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**ACTS**

*Department of S.  
14 April 1821*

**OF A PUBLIC OR GENERAL NATURE,**

**PASSED AT**

**THE FIRST SESSION**

**OF THE**

**THIRTEENTH**

**GENERAL ASSEMBLY**

**OF**

**THE STATE OF TENNESSEE,**

**BEGUN AND HELD AT MURFREESBOROUGH, ON MON-  
DAY, THE TWENTIETH DAY OF SEPTEMBER,  
ONE THOUSAND EIGHT HUNDRED AND NINE-  
TEEN.**

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**BY AUTHORITY.**

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# ACTS

OF A PUBLIC OR GENERAL NATURE  
PASSED AT THE FIRST SESSION OF THE  
THIRTEENTH  
GENERAL ASSEMBLY  
OF  
THE STATE OF TENNESSEE,

*Begun and held at Murfreesborough, on Monday the Twentieth day of September, one thousand eight hundred and nineteen.*

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## CHAP. 1.

**AN ACT** making provision for the adjudication of North Carolina land claims, and for satisfying the same, by an appropriation of the vacant soil south and west of the congressional reservation line, and for other purposes.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That, that part of the state usually denominated the congressional reservation, shall be divided into seven districts, in each of which one principal surveyor shall be appointed by joint ballot of both houses of the legislature, whose duty it shall be to engage a sufficient number of skilful surveyors as deputies, who shall be confined to the districts in which they are appointed, and for whose conduct in all points touching his office, the principal surveyor shall be answerable. Each principal shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, and to remove them for negligence or misconduct in office; and shall, before he enters upon the duties of his appointment, take and subscribe, before one of the judges of court of Errors and Appeals, or of the circuit court, the following oath, to wit: I, A. B. do solemnly swear, (or affirm,) that I will faithfully, impartially, and justly, perform the duties of my office as principal surveyor, according to law, and the best of my skill and judgment, so help me God. And he shall also, before one of the said judges, enter into

Seven districts erected and election of surveyors provided for.  
Their duty.  
Their oath.

To give  
bond and se-  
curity.

Deputies to  
act on oath  
& give bond

Boundaries  
of districts.

Of the 7th.

Of the 8th.

Of the 9th.

Of the 10th.

bond with five sufficient securities, in the sum of fifty thousand dollars, payable to the Governor, and his successors in office, for the faithful discharge of the duties imposed on him by law: which bond the said judge shall lodge in the office of the secretary of state. And each deputy, shall likewise, before he enters upon the duties of his appointment, take the oath prescribed by his principal, and enter into bond with such security, as his principal shall deem sufficient, for the accurate and faithful discharge of his duty. And each chain carrier shall, before the principal or deputy surveyor, take an oath, that he will truly and impartially, measure every line of which he is chain carrier, and render a true account thereof to his surveyor.

Sec. 2. *Be it enacted*, That the several districts herein before directed to be laid off, shall be bounded and distinguished in the following manner, to-wit: one district beginning on the southern boundary line of the state on the Congressional reservation line; thence north with the same to a point equidistant from said southern boundary line, to a point due east from the town of Columbia on said line, and from the point thus ascertained a due west course to the Tennessee river; thence up said river to the southern boundary of the state; thence with the same to the beginning; which shall be called the *seventh district*. And the surveyors office thereof shall be kept at Pulaski, in the county of Giles: *provided* that the surveyor Generals office for the aforesaid district, shall not be opened, nor shall any entry therein be made, for the tract of land granted by the United States for the town of Pulaski, in Giles county. One other district shall consist of that tract of country, lying south of the Congressional reservation line, and west of the seventh district, and east of the Tennessee river; which shall be called the *eighth district*, and the surveyors office thereof shall be kept at Columbia in the county of Maury. One other district to begin thirty five miles west of the Tennessee river, on the south boundary line of the state; to run north according to the true meridian fifty five miles for its western boundary; thence east to the Tennessee river; thence up the river to the southern boundary of the state, and with said boundary to the beginning; which shall be known and distinguished by the name of the *ninth district*. One other district beginning at the south-west corner of the last mentioned; running west with the south boundary line of this state thirty miles: thence north fifty five miles;

thence east to the north-west corner of the aforesaid district; thence south to the beginning, to compose one other district, which shall be known and distinguished by the name of the *tenth district*. One other district beginning at the south west corner of the last mentioned, running thence north fifty five miles with the west boundary of the last mentioned, to the north west corner thereof; thence west to the Mississippi; thence down that river to the south boundary of this state; thence east to the beginning; which shall be known and distinguished by the name of the *eleventh district*. One other district beginning where the north boundary line of this state crosses the Tennessee river; thence west with the said north boundary line thirty five miles; thence south to the north boundary line of the districts before described; thence east with the said line to the Tennessee river, and down the same to the beginning, which shall be known and distinguished by the name of the *twelfth district*. One other district beginning at the south-west corner of the last mentioned; thence running north with the west boundary of the same to the north boundary line of this state; thence west with the same to the Mississippi; thence down said river to the north-west corner of district No. 11; thence east to the beginning; which shall be called and known by the name of the *thirteenth district*. All of which districts shall be attached to the land office of West Tennessee.

Of the 11th

Of the 12th

Of the 13th

Sec. 3. *Be it enacted*, That each of the surveyors by this act appointed and recognized shall without delay cause his district to be divided by lines running parallel with the southern boundary line of the state, and by others crossing them at right angles, so as to form sections of five miles square, as near as may be, unless the exterior boundaries of his district, may render it impracticable, and then, this rule shall be departed from, no farther than such particular circumstances may require. The corners of the sections shall be marked with progressive numbers from the beginning: Each distance of a mile between the said corners, shall also be distinctly marked, with marks differing from those of the corners; and the lines of the sections distinguished by marks differing from other lines agreeably to instructions hereinafter given.

Districts to be sectioned

Sec. 4. *Be it enacted*, That it shall be the duty of the surveyors respectively to cause to be marked on a tree, near each corner made as aforesaid, and within each section, the number of each section; and

Corners to they shall carefully note in their respective field be plainly books, the names of the corner trees marked, and the marked and numbers so made, together with all water courses noted in field and public roads over which the line he runs shall books, sec- and pass; the quality of the land, and the mountains or o- tions to be numbered other remarkable objects, touched or crossed by a line and rivers & or lines of the sections; and make return thereof to the principal surveyor, who shall therefrom make roads in un- the principal surveyor, who shall therefrom make tains & qual out a correct map of his district; designating the wa- it of land ter courses, public roads and mountains, together to be notic- with the division of his district into sections, and the ed. surveys of appropriated lands, which may have here-

tofore been granted, or located according to w, and which may hereafter be surveyed agreeably to provisions hereinafter pointed out. The whole plan or map of the district shall be platted by a scale of 160 poles to the inch; the number of the sections shall correspond with the number directed to be marked on the trees, with a sufficient margin, on which he shall distinctly mark the quality of the lands upon each line, distinguishing the same by colours descriptive of the quality; one fair plat of which shall always be open in his office for the inspection of any person who may have interest in obtaining a knowledge of the same; and one fair plat thereof he shall deposit in the office of the Secretary of State.

Surveys to Sec. 5. *Be it enacted*, That each principal surveyor e connect- shall cause to be connected with some line of a section, and put every survey within each section, upon which a Grant on the gene- has issued, as far as it is practicable; he shall also ral plan. cause to be surveyed each location made by virtue of a *bona fide* warrant, which may have been legally adjudged and which has been located to any particular spot of ground, so described as to be ascertained with certainty; and when so made, together with the former surveys which may be ascertained as before required, shall be put in their proper places on the general plan of the district by this act directed to be made.

Entries to Sec. 6. *Be it enacted*, That every person hereafter be made spe making an entry, shall direct the location thereof, cial so as so specially and precisely, to begin at some point on the survey- the line of a section, or existing claim laid down on the plan, or at some given course and distance from or can shew the same, and therein expressing the number of per- the residu- ches, and course the first line shall extend; that the um of land. surveyor may be able to lay the same down with precision, before it is actually surveyed; which the said surveyor is hereby required to do before the next en-

try is made, that the vacant residuum may appear with in each section in his district. And it shall moreover be the duty of said surveyor, upon application to him made by any person offering a location, upon a valid evidence of claim, to calculate and inform such person the true number of perches required in the first line given to include the quantity of acres called for, proportioned as the said applicant may require, not exceeding in length, twice its breadth.

*Rules of instruction for the government of Surveyors.*

The west boundary of the second district, shall be the principal meridian of the 7th and 8th districts. — Rules of instruction to surveyors.

The line by this act directed to be run at right angles from the southern boundary of the state and west of the Tennessee River, shall be the principal meridian of the 9th and 10th districts; the western boundary of the 10th district, shall be the principal meridian of the eleventh district, and the dividing line of the 12th and 13th districts shall be the principal meridian of said districts respectively. — The principal surveyors in each of said districts shall cause to be run out in ranges five miles wide by lines running from South to North, and parallel with his principal meridian, the whole extent of his district, distinguishing said ranges by progressive numbers East or West (as the case may be) from said meridian, beginning with the number one. The ranges must be divided into sections of five miles square, by lines crossing them at right angles and numbered progressively from South to North. The line must be made to close at the precise distance, that is to say; each of the four lines of a section must be precisely five miles long, and run directly strait from one corner to the other: *provided nevertheless*, that if the section upon the first running shall close within twenty poles of the required distance, it shall be deemed correct; but must in that case be truly represented upon the general plan, under the penalties and forfeitures by this act inflicted. Districts to be sectioned.

To enable the Surveyor to close the sections correctly, he may begin at the South-west corner thereof, if on the west of his meridian, and then run a random line, five miles north, set up a temporary corner, and then run a random line east, to the north east corner of the section; he may then calculate the true course and distance of each line, to make them intersect at the precise point, and run and mark the true lines west and south and establish the corner. And if he is running a range East of the meridian, he may begin at the south-east corner of the section and

run a random line, north and then west &c. as above mentioned. All section lines must be continued over all rivers in each district, without varying in course or distance. The navigable rivers bordering on the districts must be carefully meandered, where it is practicable, and noted in a field book.

At each corner of the sections a post must be set up, flatted on four sides the corners whereof to be directed to the cardinal points; and upon the flatted sides the number of each section respectively faced by the same must be distinctly marked, and over it the number of the range. He must also mark on a tree near each corner so made, and within each section, the number of such section, and over it the number of the range, noting also the bearing and distance of each tree from the true corner; and at the end of each mile upon the lines of each section a tree must be plainly blazed, facing the four points, forty five degrees, from from the cardinal points, and plainly, notched, fore and aft with the number of notches corresponding with the number of miles it stands from each corner of that line of the section, and in case there shall be no tree at the distance aforesaid, a post must be set up for that purpose. All lines of the sections must be plainly marked by a blaze with a chop above and below on all fore and aft trees and near said lines. And all of the said lines, and all lines of surveys to be made, must be run horizontally, by levelling the chain and plumbing the pins when the ground is uneven; and each surveyor shall carefully note all existing claims crossed by a line or lines of a section he may run, and mark plainly upon a tree at or near the crossing thereof thus X both fore and aft, and the initials of the owners name if within his knowledge. All of which field notes, together with those otherwise provided by this act to be made, shall be returned to the principal surveyor of each district in time to enable him to exhibit the same in his general plan on or before the first day of October, 1820.

Existing  
claims to be  
noted.

Notice to be  
given of the  
opening of  
offices.

Sec. 7. *Be it enacted*, That each surveyor by this act appointed shall without delay, cause to be published at least three weeks in one or more papers at Nashville and Knoxville, the boundaries of his district notifying all persons who may be desirous of making entries within the same, the day on which the office will be opened for receiving of entries and the requisitions of this act preparatory to the making of entries, and at the same time requiring all persons claiming lands within the said district by virtue of a grant or

grants derived from North Carolina, to cause the same to be processioned before the first day of October, 1820; and upon application of such grantee or grantees, or his, her, or their legal representatives or assigns, it shall be the duty of such surveyor or his deputy, in whose district such land or beginning corner thereof may be, to attend such claimant, and run and plainly remark and describe such tract of land agreeably to the former lines, or natural boundaries (if any) described in such grant, or if such lines or any part thereof have not been marked, to mark new lines agreeably to the calls of said grant, provided the locality of the same be clearly and certainly identified by agreement of marks, if on trees, with the date of said grant; or otherwise with the natural boundaries or places of notoriety described in the grant.

Sec. 8. *Be it enacted*, That if any person or persons claiming as aforesaid shall fail to identify his, her, or their grants agreeably to and within the time described by the foregoing section, it shall and may be lawful for the surveyors by this act appointed and recognized, and they are hereby required to cause to be run and plainly marked in the manner prescribed for original surveys, all such grants, agreeably to their calls respectively, provided the calls are special; or depend upon other grants, the locality of which may be clearly identified; and it shall be the duty of the surveyors aforesaid, to use all reasonable exertions to identify the grants aforesaid, to procure the field notes of the original surveyors of the same if within their power, and if obtained may use the same as a guide and directory to the discovery of the true places of said grants, and when thus laid down, it shall not be lawful for any subsequent enterer to cross said lines by a survey, upon any entry made under this act: but said grant so laid down and marked shall be considered as sufficient notice to all subsequent enterers: *provided always*, that said grant shall have been founded upon a valid warrant or warrants, and *provided* also that they be founded upon warrants which have not been already satisfied, and if issued on warrants which have been previously satisfied, the lands included in grants, laid down from corners or objects, not originally marked and called for, as boundaries, shall nevertheless be liable to entry and grant, under the authority of this state.

Sec. 9. *Be it enacted*, That it shall be the duty of the respective surveyors within this state, whose districts lie south and west of the congressional reser-

Surveyors  
to run and  
mark old  
surveys.

Provided

Preference  
of entry. gi-  
ven to occu-  
pants,

both, and west of Tennessee river, and the respective surveyors whose districts lie, north and east of the congressional reservation line, and north of the river Tennessee and Holston; in all cases where any person or persons, shall on the day or days by this act appointed for the drawing for preference of entry, or at any time previous thereto, produce to the surveyor of the district, in which such person or persons resides, a good and legal warrant or certificate, issued by any of the commissioners of this state equal to the quantity of land proposed by such person to be entered, or for any greater number of acres, and shall at the same time, file the same with said surveyor, and also produce to said surveyor the depositions of two respectable persons, taken in the county where such person or persons resides, before any justice of the Peace of said county, setting forth, that they the deponents are acquainted with the spot or piece of ground intended to be entered; that the same is within said surveyors district; and that they are also acquainted with the person or persons claiming said warrant; and that such person or persons actually reside within said surveyors district; and that he resided on the same spot or piece of land on the first day of September one thousand eight hundred and nineteen; and that they do believe the same to be ungranted and unappropriated land; then and in that

Manner of  
occupant en-  
tries.

case it shall be the duty of such surveyor, to permit such person or persons to make an entry for one hundred and sixty acres in a square or oblong, including his, or their improvement as near the centre as may be, and where this cannot be done, by reason of any interfering claims or natural boundaries; then and in that case, it shall be surveyed as nearly conformable thereto as is practicable; without drawing for preference of entry as is prescribed by this act for other cases: Which entry, if for lands lying south and west of the Congressional reservation, shall in all respects relating to specialty, be made in the manner pointed out by this act; and if for any other lands lying north and east of said line, shall be made in conformity with the land-law heretofore in use in this state; and because it may happen that disputes may arise about priority of entry between such settlers, the said surveyors are hereby directed to determine such disputes, if any should happen, by lot, in the presence of both parties.

Sec. 10. *Be it enacted.* That if any first enterer under the aforesaid provision, shall, in making his said

entry, include any house, cleared or inclosed land of any person, entitled to make an entry by virtue of the provision last aforesaid, without the consent in writing of such person or persons, such first enterer shall forfeit the right given him by this act, and any grant obtained upon such entry is hereby declared to be utterly void. And if any younger enterer provided for under the provisions aforesaid shall include any lands taken by a prior entry without the consent in writing of such former enterer, the right given to him by virtue of the aforesaid provisions is hereby forfeited, and any grant obtained thereon is hereby declared void.

One entering the claim of another forfeits his preference.

Sec. 11. *Be it enacted*, That if any of the surveyors aforesaid, shall knowingly permit any person or persons to make a subsequent entry, for any of the lands included in any former entry, made by any of the settlers herein before provided for, or in case any such subsequent entry should be made, shall knowingly survey the same, for any other than such first enterer, without the consent of such first enterer in writing, such surveyor shall forfeit and pay to such first enterer the sum of five thousand dollars, to be recovered by such first enterer by action of debt in any court having cognizance thereof. And because it may happen that the settlers aforesaid, from their poverty or from some other cause or causes may not be able to procure a warrant by the time appointed by this act for drawing for preference of entry whereby they will be liable to have their improvements entered by others, and because it is manifestly unjust that persons should reap where they have not sown, for remedy whereof :

Penalty on surveyors permitting others to enter occupied lands.

Sec. 12. *Be it enacted*, That where any person or persons shall have been actually settled, upon any vacant and unappropriated land, within this state and which lies south and west of the congressional reservation line, or north and east of that line, and north of the river Tennessee and Holston, and shall have made valuable improvements thereon, and shall not enter the same as is provided for by virtue of the provision herein before made for settlers, and the said valuable improvements shall be entered by any other person than such settler, the said surveyors are hereby prohibited, under the penalty last aforesaid, recoverable as last aforesaid, from surveying the same for any other than such settler until the value of such improvements is paid for, or tendered by such enterer, or in case any dispute should arise between such settler

Improvements to be paid for in certain cases.

and enterer, then and in that case it shall be the duty of such surveyor, or his deputy, to appoint one or more honest disinterested person or persons, at the expense of such settler to fix on the value of such improvement, whose award shall be final between the parties; and upon the payment or tender thereof to such settler in any current notes of this state, or upon giving bond with sufficient security, payable with interest, within twelve months, or tender thereof to such settler, it then shall, and not before be lawful for said surveyor to survey the same as is required by law, and because it may happen that such settlers may not be able to provide themselves with warrants of suitable size as to number of acres, for remedy whereof:

Different occupants may enter on the same warrant.

Sec. 13. *Be it enacted*, That it shall and may be lawful for any of the settlers herein before provided for, to make their entries upon a warrant of any size allowed of by law, provided that such settler or settlers, shall jointly or severally at the time of making their entries, consume or enter the whole number of acres contained in such warrant; provided that when entries are made upon warrants for more than one hundred and sixty acres by one or more occupants jointly all the land between said settlers shall be included.

Warrants entered to be entered in a book.

Sec. 14. *Be it enacted*. That it shall be the duty of each principal surveyor, to enter in a book to be by him kept for that purpose a list of all warrants or such other legal evidences of claims to lands as shall be duly certified to be valid by the board of commissioners herein after directed to be appointed, and filed with him as aforesaid, with the names of the assignor or assignors (if any) expressing also the number of the warrant, the number of acres contained in each warrant in columns opposite to the owners names and having one blank column to be filled with the number of the location which shall have been drawn by lot as aforesaid, in manner and form following

| Owners names. | Assignee of whom | No. of section | Number of acres. | No. of Location by lot. |
|---------------|------------------|----------------|------------------|-------------------------|
|               |                  |                |                  |                         |

provided that nothing herein contained shall be so construed as to authorize any person or persons to enter the land including any salt spring, or springs

or shall any occupant claim be entered or surveyed thereon.

Sec. 15. *Be it enacted*, That the surveyor of the ninth district shall keep his office at Reynoldsburgh, <sup>Offices</sup> and the surveyor of the tenth district shall keep his <sup>where to be kept.</sup> office at Reynoldsburg, and the surveyor of the eleventh district shall keep his at the Chickasaw Bluff, surveyor of the twelfth district shall keep his office at Dover, and the surveyor of the thirteenth district shall keep his office at Dover. And the surveyors herein directed to be appointed are required to give due attendance at their respective offices, at all times in order to perform the duties by this act imposed upon them, under the penalties and forfeitures hereby inflicted, provided that the surveyors hereafter to be appointed for the ninth, tenth, twelfth, and thirteenth districts may keep their several offices in their respective districts as near the centre thereof as conveniences will permit, and each of said surveyors shall give two months notice previous to receiving entries in some News-papers printed in Nashville and Knoxville, declaring where his office will be opened; in what section, township, and range, what water course on, or near to, and any other natural or artificial call which would be calculated to give notice of the place, where said office is to be opened.

Sec. 16. *Be it enacted*, That the drawing for the number of the locations as in manner prescribed by the 14th section of this act, shall commence on the <sup>Priority</sup> first Wednesday in December 1820, at ten o'clock in <sup>entry to be</sup> the morning: the tickets shall be neatly cut of clean <sup>drawn for.</sup> paper, of equal size and plainly numbered with progressive numbers, beginning at the number one, and equal to the whole number of evidences of claims listed as required by the said section; and the said tickets shall be separately and alike folded, and promiscuously put into a box, and drawn by a disinterested person, and the No. so drawn shall be placed in the blank column opposite the names of the persons who have listed their claims as above, in the order they stand on the said book.

Sec. 17. *Be it enacted*, That immediately after the priority of locations are determined, agreeably to the <sup>Entries to</sup> foregoing section, it shall be the duty of the surveyors <sup>be made in a</sup> to proceed to enter the same in a bound book, to be <sup>bound book.</sup> by him kept for that purpose, in progressive numbers, leaving no blank leaves or spaces between the said entries, and every location shall bear date the day on which it shall be made, and entered accordingly. And

if any person shall fail or neglect to offer his or her location agreeably to the number thereof, the surveyor shall proceed, to enter the next in order changing the number thereof so as to make it regularly progressive in his book, and mark on the location the same number on which the entry may stand on his book; provided nevertheless, every person having right by priority of numbers, may at any time after passing the same, tender a location to the surveyor, who shall forthwith enter the same on the book of entries to be by him kept for that purpose; and should two or more persons, the priority of whose location have not been determined offer at the same time to any surveyor, locations for the same land, he shall immediately have it determined by lot which shall have priority of entry, and make the entry accordingly.

Lost lands  
provided for

Sec. 18. *Be it enacted*, That every person or persons, or the legal representative of such persons, or the rightful assignee of any of said persons, for whom or for whose use any entry was made for any lands, in any office legally established by the laws of North Carolina, and which were actually located, west and south of the line as described in the first section of the act of Congress passed the 18th day of April, 1806, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described and to settle the claims to the vacant and unappropriated lands within the same," and which said entries by the laws of North Carolina were good and valid, and on which a warrant issued on said entry, or which said entries were founded on a good and valid warrant (as the case may be) and on which no grant or grants ever issued by the state of North Carolina, or by this state; shall be entitled to receive a grant from this state for such quantity of land as is called for, in each of said entries respectively, if identified, and shall be taken by the interference of a grant or entry of better title, derived from North Carolina, such claimant or claimants or their legal representatives, may be at liberty to remove and enter the same in any office by this act established for receiving of entries: provided such evidences of unsatisfied claims shall in all cases be adjudged good and valid by the board of commissisners herein after appointed.

Satisfaction  
of warrants  
provided for

Sec. 19. *Be it enacted*, That if any person or persons shall have heretofore obtained from the board of commissioners of East or West Tennessee any duplicate warrant or warrants, or any certificate or certificates, and which said warrant or warrants, certifi-

ate or certificates shall have been issued pursuant to law ; such person or persons, or the legal representatives or rightful assignees of such persons, shall be entitled to receive a grant for the quantity of land called for in said warrants or certificates respectively, in any part of this state which by this act is intended to be granted : *provided however*, that such evidences of claims shall be filed in the office of the commissioners by this act appointed, and adjudged valid, according to the rules of evidence hereinafter prescribed.

Sec. 20. *Be it enacted*, That it shall and may be lawful for the register of the land office in this state to issue grants and perfect titles upon all warrants or certificates heretofore subdivided according to the laws in force and in use at the time of such subdivision and also to issue grants and perfect titles upon all warrants or certificates which have been heretofore in part entered or granted : *provided however*, that nothing in this act contained shall be construed to authorize in future the subdivision of any warrants or certificates. Register to issue grants

Sec. 21. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives, or rightful assignee of such person or persons to whom a grant may have issued under the authority of this state, and which said grant or grants may have become void by reason of their location to lands within the Indian territory at the time of such issuance, shall be at liberty to lay the same or a certified copy thereof before the board of commissioners by this act appointed ; and if it shall appear to said commissioners, that any of such grants are founded upon a good and valid warrant, or good and valid certificate, (as the case may be) and that no grant hath ever issued upon a warrant or certificate of the same number, that such person or persons shall be entitled to hold the same piece of land by virtue of the same grant, agreeably to the calls of said grant : *provided however*, that the same shall not interfere with or prejudice the claim of any other person or persons whatsoever, that may exist at the time of passing this act ; and if such grant is taken by the interference of a grant of better title or any part thereof, such person or persons, may exhibit to said board of commissioners such grant and receive a certificate for the same, under the same restrictions and regulations as by this act are provided for interfering grants : *provided* said grant may not have been located on lands reserved to the Cherokee Indians south of Ten- Grants for land in the Indian territory provided for.

nessee river, in which case they may lay their grant before the commissioners for adjudication and if found on a good and valid warrant shall be entitled to a duplicate.

**Losses by interfering claims provided for.** Sec. 22. *Be it enacted,* That every person or persons or the legal representatives or rightful assignees of such person or persons to whom a grant may have issued from the state of North Carolina, or from this state, on a warrant which by the laws of said states respectively was good and valid, and on which no other grant shall have issued, and which is taken by the interference of a grant or entry of better title for the same land, or for any part thereof, shall be exhibited to obtain a grant for the same quantity of land called for in such grant of younger title: provided, the whole of the land in said grant be covered by such grant of better title, and if only a part thereof be covered, he shall be entitled to receive a grant for whatever quantity of acres may be deficient, after deducting from the whole quantity called for, in said inferior title, the number of acres which may remain uncovered by such grant of better title.

**Warrants located on school lands provided for** Sec. 23. *Be it enacted,* That any person or persons, or the legal representatives, or rightful assignees of such person or persons, who may have obtained a grant purporting to have issued under the authority of this state, on a warrant, duplicate of a warrant, or certificate, which by the laws of this state, was good and valid, and which said grant or any part thereof is covered by the interference of any tract of land laid down upon the general plan of any district of the principal surveyors heretofore appointed and by law reserved for the use of schools for the instruction of children by any act or acts of this state, shall be at liberty to lay said grant before the commissioners by this act directed to be appointed, and if it shall appear to said commissioners that said grant or any part thereof is covered by, and included within any tract of land reserved as aforesaid, such person or persons shall be entitled to receive a certificate for the whole quantity of acres called for in said grant or any part thereof (as the case may be) under the same rules, regulations and restrictions as are heretofore provided in cases of interfering grants, provided however that said commissioners may so vary the power of said certificates as to read. "Lands reserved for the use of schools" in lieu of "interfering grants of better title."

Sec. 24. *Be it enacted,* That it shall not be lawful

for any surveyor, by this act recognized, to receive No warrant any location or to make a survey upon any entry or to be entered until adjudged. warrant of survey, unless the warradts or certificates (as the case may be) upon which the same are founded shall have been adjudged and certified to be valid agreeably to the provisions of this act.

Sec. 25. *Be it enacted*, That each principal surveyor or shall cause to be surveyed, each location made by how to be virtue of a *bona fide* land warrant legally issued, and made, which has been located to any particular spot of ground described with certainty, and if the warrant of survey designates any spot of notoriety as a beginning, the calls of which are special, the survey shall accord with the calls, and all surveys made upon entries under the laws of North Carolina shall be made agreeably to the laws in force and use in this state at the time of passing the cession act, *provided* as in all other cases, the person at whose instance such survey is made shall produce to the surveyor a duplicate of a warrant adjudicated to be valid as by this act directed.

Sec. 26. *Be it enacted*, That every principal surveyor shall cause, without delay, to be surveyed, all lands entered for in his office, and shall within three months at farthest after the survey is so made, re-survey all cord the plat and certificate thereof at full length, in entries with a bound book to be by him kept for that purpose, and in 3 months shall at any time thereafter deliver to the person entitled to the same, or his order, a fair and true plat and certificate of the same, the quantity contained, the county and district in which it lies, the kind of warrant on which it is founded, the corners and description of the several boundaries, natural and artificial, ancient and new, also the name of every person whose former lines make a boundary.

Sec. 27. *Be it enacted*, That all surveys shall be closed by lines run horizontally by levelling the chain and plumbing the pins, which said lines must be plainly marked upon trees, and measured with chains containing two perches of sixteen feet and one half each, adjusted to a standard to be kept by the principal surveyor for that purpose, and every surveyor shall note particularly, all water courses, and public roads, over which the lines he runs shall pass, and mountains or ridges touched or crossed by a line or lines of each survey, and make return thereof in the certificate of survey, and lay them down as near as may be on the plat of the same.

Surveys to be closed by lines run horizontally

Sec. 28. *Be it enacted*, That all surveys hereafter

**All entries** made, shall be laid off in squares or oblongs run to the cardinal points; and shall not be more than twice as long as wide, unless the same shall be bounded and confined by existing claims, or navigable water courses, and then, this rule shall be departed from no farther than such particular circumstances may require.

**Principal Surveyor to examine plats & certificates.** Sec. 29. *Be it enacted*, That all plats and certificates of survey shall be examined and tried by the principal surveyor, whether truly made, and legally proportioned as to length and breadth, and if it be in any respect contrary to law, he shall cause the same to be corrected, free from expense to the owner of the same, and in all cases in making original surveys the surveyor shall not make any allowance, but shall make each survey on each entry or location as nearly as practicable for the quantity called for in such entry or location, provided there is vacant land sufficient to fill the same. And should it hereafter appear that any tract of land which has or may be surveyed, by and under the authority of this act, which shall contain within the lines and corners of such survey, one tenth more than the quantity called for in the entry on which such survey shall be made, the said addition of one tenth shall be deemed a fraud practised on the state by the surveyor, and it shall be deemed and declared a misdemeanor in the said surveyor, who shall make such survey; and it shall be the duty of the attorney general for the district in which the same may be done, upon information being given to him thereof, to prefer an indictment against and prosecute such surveyor in the circuit court of the county, and on conviction thereof he shall be removed from office, and be fined and imprisoned at the discretion of the court. And if any survey contains more land within the lines than one tenth more than the quantity called for in said survey, the quantity exceeding said addition of one tenth shall be deemed vacant land and shall be thrown off on the second line, by the owner, in one tract: nor shall any surveyor make any entry or survey, for more than five thousand acres, in any one tract, nor shall the Register, Secretary and Governor, issue any grant which calls for a larger quantity than five thousand acres. And if it should so appear that any survey or grant should be made which calls for a larger quantity than five thousand acres the same shall be null and void, and such grant shall not be admitted as evidence in any court of record within this state.

Sec. 30. *Be it enacted*, That any surveyor, whether

Principal or deputy, failing in any of the duties, required by this act, shall be liable to be indicted in the circuit court of the county in which he shall reside and punished by amercement and deprivation of his office, and incapacity to take it again, and shall moreover be liable to any party injured for all damages he may sustain by such failure. Penalty on surveyors failing in duty

Sec. 31. *Be it enacted*, That there shall be appointed by joint ballot of both houses of the General Assembly, three persons who shall be a board of commissioners in this state for the purpose of adjudging and ascertaining the validity of warrants, and other legal evidences of unsatisfied claims to lands within this state. And the said commissioners shall, previously to entering on the duties of their office, before one of the judges of the court of Errors and Appeals, or of the Circuit court take and subscribe the following oath, or affirmation, to wit: I, A. B. do solemnly swear, (or affirm) that I will faithfully, impartially, and justly perform the duty of my office as commissioner for the State of Tennessee, according to law, and to the best of my skill and judgment, *so help me God*. It shall be the duty of said commissioners to meet at Nashville on the third Monday of January next, and after taking the oath aforesaid, shall appoint a clerk who shall be a man of probity and of competent abilities to discharge the duties enjoined on him, and who shall previously to his entering on the duties of his office, give bond with approved security, to the Governor and his successors in office in the sum of ten thousand dollars, conditioned for the faithful and accurate discharge of all the duties imposed on him as clerk of the board of commissioners for examining claims to lands, and shall, previously to his making any entries on the books of the board take and subscribe the following oath, to wit: I, A. B. do solemnly swear (or affirm) that I will faithfully, impartially, and justly, perform the duty of my office as clerk for the board of Commissioners for West Tennessee, according to the best of my skill and judgment *so help me God*. And the commissioners aforesaid shall meet on their own adjournments. Board of commissioners to be elected.

Sec. 32. *Be it enacted*, That it shall be the duty of the clerk aforesaid, to file in his office in regular files, all warrants and other evidences of claims which may be exhibited by any person desiring a decision on the same, either during the time said board of commissioners are in session or during the recess, and shall number the same in the order in which they were Their oath.

To meet at Nashville & appoint a clerk, who is to give bond.

Clerks oath

Clerks duty

presented, and he shall enter in a book to be by him kept for that purpose, full and correct minutes of the proceedings any decision of the said commissioners, in determining on any claims, and whether such claims be good and valid or otherwise, and he shall preserve such record until the provisions of this act be complied with, and he shall then deliver the same to the Register of the land office for West Tennessee.

**One commissioner to be President**  
**Governor to fill vacancies,**  
 Sec. 33. *Be it enacted,* That said board of commissioners shall choose one of their own body to act as President, and in case of death, resignation, or refusal to act, of either of said commissioners, during the recess of the Legislature, the Governor for the time being shall fill such vacancy until the next meeting of the General Assembly.

**Duplicates of claims adjudged good to be issued.**  
 Sec. 34. *Be it enacted,* That when said commissioners determine that the claim of any person founded on an entry, or a warrant which was not perfected into a grant, is a *bona fide* and valid claim, it shall be the duty of the clerk to record the same in a book to be kept for that purpose, and the warrant on which such claim is founded, shall be filed in the office of the clerk of the board of commissioners, together with the evidences thereof, and the person entitled to the benefit thereof shall be furnished with a duplicate, which shall be signed by the President and attested by the clerk. And it shall be the duty of said commissioners to examine that said evidences of claims are correctly recorded, and sign their names to said book of records.

**Invalid claims to be endorsed & recorded.**  
 Sec. 35. *Be it enacted,* That it shall be the duty of said President to endorse on each warrant or evidence of claim which may be rejected, that the same is "invalid," which shall be signed by the President and attested by the clerk, and of which a record shall also be kept in a separate book, a copy of which book shall be taken by said clerk and deposited with the Register of the land office for West Tennessee, and the original shall, by said clerk be deposited in the office of the Secretary of State.

**Evidence necessary to procure a warrant for lost land.**  
 Sec. 36. *Be it enacted,* That it shall be the duty of each person who may hereafter be desirous of obtaining a title to any land, in consequence of a grant or entry of better title covering the land called for in his grant, or any part of said land, to exhibit to said board of commissioners the said grant or entry under which he claims title, together with the mesne conveyances vesting the title in himself, if he be not the grantee, together with a certified copy of such better title, which may interfere with the lines of the survey

of his grant or title, which shall be accompanied by a connected plat of the said tracts, shewing the interference, which shall have been actually surveyed and platted by some sworn surveyor; and the said commissioners shall have power to call upon said claimants, if they think it necessary, to prove by the oath of said surveyors, the facts respecting such interference and the quantity of land which will be deficient of that called for in said grant under which he claims, in consequence of the interference of such better title; and the said claimant shall produce to the said commissioners such other evidence and documents as is hereinafter required, to prove to said commissioners, and establish satisfactorily, the validity of such grants or titles; and of the warrants on which they were issued; and if the evidence established by such claimant be considered valid by said board of commissioners, and sufficient to entitle him to other lands, for so much as is called for in his grant or entry, or for any lesser quantity, it shall be the duty of said commissioners to issue to such claimant a certificate in the following form, signed by the President of the board and attested by the clerk, to wit; This is to certify, that

Form of certificate to be issued.

A: B: is entitled to enter, and obtain a grant for — acres of land within this state, in consequence of so much of a tract granted to — by grant No. — dated the — day of — which issued for — acres from the state of North Carolina, (or the State of Tennessee as the case may be) being taken by the interference of grant No. — dated the — day of — from the state of — for — acres to —  
Given under the hand and seal of the president of the board of commissioners for West Tennessee this — day of —

Sec. 37. *Be it enacted*, That it shall be the duty of the clerk to record in a book to be kept for that purpose, each certificate issued as aforesaid, and the said grant shall therefore become void and of no effect for so much as may be provided for in such certificate; and if the certificate does not issue for as much land as is called for in the grant, said grant shall not be available in law to enable the claimant to hold more land than shall be sufficient, together with the quantity allowed and called for in the certificate to complete the quantity originally called for in said grant.

Sec. 38. *Be it enacted*, That it shall be the duty of the clerk of the said board of commissioners to file in his office, all grants and other evidences of claims produced to the said board, on which shall issue any cer-

Endorse-  
ment to be  
made on  
grants from  
which cer-  
tificates is-  
sued,

ificate for lands, on account of conflicting claims, and by the commissioners adjudged "valid." And the President of said board shall endorse on each grant, that a certificate has issued for ——— acres of land, and the said grant is vacated. And the said grants, shall, by the said clerk after the completion of said business, be filed in the office of the Register of West

Tennessee there to be kept: *provided always*, that no grant or entry shall be filed as aforesaid unless a certificate has issued for the full amount of said grant or entry; or other evidence of claim; but the fact shall be certified on the back of such grant, entry, or other evidence of claim, that it is vacated for so much as a certificate has issued for, and what particular part of the grant or entry is vacated. And it shall also be the duty of said commissioners to examine and adjudge all warrants on which entries may have been made or grants issued under the authority of the state of North Carolina since the year 1811: and if it shall appear to the satisfaction of said commissioners, that said entries or grants, are founded upon good and valid warrants, it shall be their duty to issue to the proper claimant, a duplicate warrant for the quantity of acres contained in his, her, or their entry or grant, upon surrendering such grants to said commissioners to be cancelled and vacated; which duplicate warrants, when issued shall be satisfied in the same manner, and subject to the same regulations as other existing warrants are by this act.

Commission-  
ers may re-  
quire the  
best evi-  
dence.

Sec. 39. *Be it enacted*, That said commissioners when deciding on the legality and validity of warrants which have not been perfected into grants, and when deciding on the validity and legality of grants which are exhibited to them, for the purpose of procuring a certificate on account of a grant of a better title covering any part of said land, shall have full power and authority and are hereby required and directed to demand of each person exhibiting a claim the best evidence the nature of each case will admit to establish such facts as are necessary to be proved according to the rules of law and evidence, and they shall have a right to call for and cause to be procured copies of any records or documents of any kind within the state, and cause witnesses to be brought before them by compulsory process, to give evidence concerning such facts as may be necessary, and to answer such questions as may be put to them.

May admin-  
ister oaths.

Sec. 40 *Be it enacted*, That the said commissioners shall have power to administer an oath to any person

exhibiting a warrant or claim for lands before said commissioners, to ascertain whether the said claim is intended for his own proper use, or in trust for any other person, and enter the same on the records of their proceedings: the object of which is, to enable the commissioners to judge what kind of testimony ought to be adduced by said claimant: provided that nothing in this act contained shall be so construed as to authorize any person who may have obtained a grant by virtue of a removed warrant (or removed entry as the case may be) to claim the lands from which the same was removed.

Sec. 41. *Be it enacted*, That every person claiming lands in this state by virtue of entries of lands, rights of location, and warrants of survey, and all interfering locations which might be removed by the act of session of the state of North Carolina, and which are good and valid in law, and which were actually located within the limits of the tract reserved by the Congress of the United States, and all interfering grants which are good and valid in law, and all certificates for interfering grants, and duplicates of warrants, issued from the offices of the Commissioner or Commissioners of East or West Tennessee agreeably to law, shall, on or before the first day of October, in the year 1820, file the evidences of such claims with the clerk of the board of commissioners by this act appointed for the adjudication of the same, and on failure thereof, such claimant or claimants shall be forever thereafter barred.

Time limited for filing claims.

Sec. 42. *Be it enacted*. That the evidence of the validity of claims founded on warrants issued from John Armstrong's office shall be the transcript of said books, now filed in the office of the Register of East Tennessee, and which have been declared a record of the state, provided no warrant issued from said office shall be considered valid if it may appear to said commissioners, that the consideration had not been paid or that a grant ever issued on a warrant, or a duplicate of the same, and provided also that in all cases where proof is offered of the loss of an original warrant and a duplicate is produced, as evidence of claim, said duplicate shall not be adjudged as sufficient evidence of a valid claim, if it shall appear that a grant has issued on a warrant of the same number, or that the original is in existence. The evidence of the validity of military warrants issued under the authority of North Carolina since the act commonly called the compact act passed, &c. may be an abstract taken from the records

Evidence for Armstrong's warrants.

Of military warrants.

Kept by the secretary of state of North Carolina, if obtained, otherwise the next best evidence the nature of the case will admit, so as to enable the commissioners to detect frauds and guard the state against imposition.

**Provision for warrants issued by the Secretary of State under act of 1801.** Sec. 43. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives or rightful assignees of such person or persons who may have obtained from the office of the Secretary of state, any warrant or warrants, under the provisions of an act, passed at Knoxville on the fourteenth day of November, 1801, entitled "An act to confirm and make good, all lawful entries made and warrants issued by the State of North Carolina for lands lying within the limits of this state, and to authorize the Secretary and Governor of the same to perfect titles on all the lawful entries made, and warrants that are not yet perfected," to demand and receive from the Secretary of State the grant on which such warrant or warrants issued and exhibit the same before the board of commissioners hereinafter appointed, such grants, and it shall be the duty of said commissioners, to examine the validity of said grant, and of the warrant on which the same issued, and the validity of the claim of said claimants, and it shall be the duty of said claimant to produce the same kind of testimony as in other cases of conflicting titles: and if it shall appear to said commissioners that said claim is valid, it shall be the duty of the president to indorse the same, and issue a duplicate as in other cases; and in case a part thereof is adjudged valid, the president shall indorse specially on said warrant, the quantity said claimant is entitled to and how much of the same is rejected, and issue a duplicate for whatever quantity the claimant may be entitled to

**Warrants heretofore issued to be re-adjudged.** Sec. 44. *Be it enacted*. That the evidence of the validity of claims purporting to have been issued by the commissioner or commissioners of East and West Tennessee, shall be the record kept by said commissioners, provided it shall appear to said commissioners that such duplicates or certificates were not chargeable or located within the congressional reservation, or if located to that tract of country, that no other grant ever issued on a warrant of the same number, and if a duplicate, that the original warrant may not be in existence: provided also, that in all cases where a duplicate or certificate heretofore issued as aforesaid is offered for adjudication, that said commissioners shall be satisfied that said duplicate or certificate has

not been located to any vacant and unappropriated lands north and east of the Congressional reservation, or if it has at any time been located as aforesaid in any entry office within this state, that the burthen of evidence shall lie upon such claimant, to shew that said entry founded upon said evidence of claim, is covered by a grant or entry of better title. The evidence of the validity of claims founded upon Adairs and Hardins warrants may be the entry books which were deposited in the office of the Secretary of this state, and which are now in possession of the Register of East Tennessee, and a copy secured from a transcript of the entry books of Carters office which is deposited in the office of the Secretary of state of the United States, and which is now in possession of the Register of East Tennessee shall be the evidence of claims founded on entries in said office.

Sec. 45. *Be it enacted*, That when the board of Commissioners by this act appointed shall determine that the claim of any person, founded upon a duplicate or certificate which may have been legally issued by the commissioner or commissioners of East or West Tennessee as a *bona fide* claim agreeably to the rules of evidence prescribed in the foregoing section, it shall be their duty to certify on said duplicate or certificate that the same is "valid" which shall be signed by the president and attested by the clerk.

Sec. 46. *Be it enacted*, That the Registers of the Land offices of East and West Tennessee are hereby required to deposit in the office of the board of commissioners, by this act appointed, the record kept by the commissioners respectively, on or before the first day of February next, and that the Treasurer of East or West Tennessee shall pay to the Register of East Tennessee, the amount that he may necessarily expend in conveying the books and accounts of the commissioners office of East Tennessee, to the commissioners office appointed by this act, which amount shall be made out by oath or affirmation before some judge or justice of the peace in this state.

Sec. 47. *Be it enacted*, That it shall and may be lawful for the surveyors to demand and receive the following fees. as fees of office :—For running and marking the lines of the meridians, ranges, sections, and meandering the navigable rivers as by this act required, three dollars for each mile so run, as full compensation for the services so rendered, by the surveyor, chain carriers, markers, and all other necessary attendance included; which said amount the principal surveyors respectively, may state and claim, subject however, to liquidation by the register of West Tennessee, who is hereby authorized and required to settle and record the account in his office and to issue separate warrants to said principals, if required, not exceeding the number of deputies in his district, to the amount

of said account at the rate of two dollars per acre, which said warrants may be filed, and priority of location drawn for, as prescribed for other evidences of claim; and no other fees whatever, to wit; for every survey by him plainly bounded, as this act directs, where the survey shall not exceed three hundred acres, two dollars; for every hundred exceeding that quantity in the same tract, fifty cents; for every survey of lands upon which a grant has issued, the beginning whereof can be established, and the lines thereof not closed, or more than two corners made, the same fees as for an original survey; and each chain carrier and marker necessarily employed in running lines, at the rate of one dollar per day to be paid by the owner or person at whose instance such survey shall be made; for recording a plat and certificate as by this act directed, fifty cents; for a copy thereof duly certified to be recorded according to law, fifty cents; for making an entry for land, fifty cents; for a certified copy thereof, twenty-five cents.

*Sec. 48. Be it enacted,* That each of the commissioners to be appointed under this act for the purpose of adjudging and ascertaining the validity of warrants and other evidences of claims within this state, shall be entitled to receive the sum of five dollars for each day he may necessarily be employed therein, and the same for every thirty miles he shall travel in going to, and returning from the place appointed for the board to meet, to be paid by the Treasurer of West Tennessee upon a warrant from the Governor, who is hereby authorized to issue the same upon the application of the said commissioners, accompanied by a statement of their accounts; and the clerk of said commissioners for each day he attends the board, four dollars per day; and for copying the records of said commissioners at the rate of four dollars per day, for each day he may be necessarily engaged therein; to be paid in the manner pointed out by this act for paying the commissioners; and all other services rendered by said clerk as such shall be done by virtue of his office.

*Sec. 49. Be it enacted,* That every person obtaining a duplicate warrant, or certificate under any interfering acre tax laid grant, shall pay to the clerk of the board of commissioners a tax at the rate of one cent for each acre contained in such duplicate or certificate, which tax shall be accounted for, and paid into the public treasury of West Tennessee, under the same rules and regulations that the clerks of the several counties are obliged by law to pay and account for public taxes, provided, however, that no tax shall be demanded or received in any manner upon the readjudication of claims which have already been adjudged valid by either of the commissioners of this state.

*Sec. 50. Be it enacted,* That the several fines and forfeitures herein laid, given, or inflicted, and not otherwise

provided for in this act shall be recoverable before any jurisdiction, having cognizance thereof, by action of debt one half to the use of the informer, or person who will sue for the same, and the other for the use of the county where such recovery shall be had; and the bonds directed to be given by the surveyors and clerk to the commissioners by virtue of this act, shall not be void on the first recovery, but shall be liable to be sued upon by any person or persons who may or shall sustain injury by the misconduct of any of said surveyors or clerks respectively.

Sec. 51. *Be it enacted*, That hereafter the Secretary of State shall be entitled to demand and receive the sum of thirty seven and a half cents on each grant. Fines how  
to be recov-  
ered.

Sec. 52. *Be it enacted*, That the several surveyor generals north and east of the congressional reservation line whose districts include any part of the lands lying north of the Tennessee and Holston rivers, lately obtained by treaty, of the Cherokee Indians, shall on the several days and times herein appointed for the Surveyors south and west of the said line proceed to open their offices for receiving a list of warrants and making entries under the same rules and regulations as are heretofore prescribed for opening the offices for listing of warrants, and receiving of entries for lands in the offices of the surveyor's districts south and west of the Congressional reservation; and all laws and parts of laws passed at Knoxville the ——— day of ——— 1817, requiring the Governor to make proclamation when entries shall be received for said lands be and the same is hereby repealed; and no entry shall be received for any of the lands aforesaid until the records aforesaid and should any entry be made before the time aforesaid, the same shall be null and void. Entries  
when recei-  
vable in the  
districts N.  
& E. of re-  
servation  
line.

WHEREAS it appears there is deposited in the Secretary's office of North Carolina a file of Military warrants, &c. accompanied with plats and certificates of survey, marked No. 29; and whereas it is suggested there are others of like nature not filed in said file No. 29, on which plats and certificates it is believed no grants have issued, therefore,

Sec. 53. *Be it enacted*, That it shall be lawful for each person for whom any of said surveys was made, on producing a transcript of the copy taken from said file by the agent aforesaid, or other legal testimony as to those not filed, in said file No. 29 or other copies of said warrants and plats and certificates of survey to obtain a grant from this state for the same land called for in said surveys; but should it appear said lands or any part thereof, hath been taken by any prior claim, in such case it shall be lawful for such person to remove his said warrant and have the same located on, and obtain a grant therefor on any vacant and unappropriated land within this state: provided however that no grant shall have been previously issued. Surveys in  
file No. 29  
provided for

ed on said warrants or any duplicate thereof, and that said warrants be good and valid, the validity of which shall be ascertained by the commissioners as in other cases; and provided always, that the claimant or claimants shall satisfy said commissioners that they are the real owner or owners of said warrant or warrants.

Repealing  
clause.

Sec. 54. *Be it enacted*, That all and every act and acts, and parts of acts within the meaning and perview of this act, shall be, and the same are hereby repealed; *provided nevertheless*, that all rights, remedies, fines, penalties and forfeitures incurred or accruing under any former act, shall remain in the same condition as if this act had not been passed.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Oct. 23, 1819.

## CHAP. 2.

**AN ACT** the better to define the limits of Humphreys county.

Sec. 1. *Be it enacted by the General Assembly of the* Limits of State of Tennessee, That the boundaries and lines herein-  
Humphreys after described, shall be and constitute the limits of Hum-  
county. phreys county, to wit; beginning at the mouth of White-  
oak creek, on the Tennessee river, where the upper line of Stewart county strikes said river; running thence a due west course to the top of the ridge dividing the waters of Sandy river from the water of the Tennessee;—thence southwardly on the top of said ridge, to a point thereon, which will be at least twenty five miles south of the north boundary line of Humphreys county, herein-before mentioned, or so much farther, as that a line therefrom due east to the west boundary line of Hickman county and the other boundaries of said county of Humphreys which are herein after mentioned, will include six hundred and twenty five square miles; thence due east to the west boundary line of Hickman county; thence north and west with the lines of Hickman, Dickson and Stewart counties as heretofore described by law, to the beginning.

Commission-  
ers appointed.  
Sec. 2. *Be it enacted*, That Robert Jarmon, David Wells, John Thompson, Dawsey P. Hudson, and Harmon Lytle, be, and they are hereby appointed commissioners, with authority to employ a surveyor, and have the lines of the county of Humphreys, as above described, run out and marked as soon as may be conveniently; and the

county court of said county are hereby authorized to pay said commissioners and surveyor, such sum as said court may deem a sufficient compensation, for the services required of them by this act, out of any monies belonging to said county, not otherwise appropriated.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 15, 1819.

### CHAP. 3.

**AN ACT** to establish the lines of the counties of Rhea and Roane.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundary lines of the county of Rhea, shall be as follows, to wit: beginning at the mouth of the first creek above the Cherokee Agency, that empties into Hiwassee river, on the north bank; thence down the said river to its confluence with the Tennessee river; thence down said river including Jollys Island in said county, to the line of the county of Hamilton; thence with the line of Hamilton county to the Bledsoe county line; thence with said county of Bledsoe to the county of Morgan; thence with said county of Morgan to the county of Roane; thence with the line of the county of Roane to Whites creek; thence down said creek to the mouth thereof crossing Tennessee river and running south forty five degrees east, eight miles from the mouth of said creek; thence due south to the top of the ridge dividing the waters of Soowee creek from those of Mouse creek; thence along the top of said ridge to the head of the creek that runs to the beginning; thence down said creek to the beginning.

Boundaries  
of the county  
of Rhea.

Sec. 2. *Be it enacted*, That the boundary lines of the county of Roane shall be as follows, to wit: beginning at a point on the south side of Tennessee River, opposite the mouth of Whites creek, then south forty five degrees east ten miles; then a direct line, to a chain of ridges four miles south of Browders ferry on Big Tennessee river; then with said chain of Ridges to the mouth of Holston river.

Boundary  
lines of the  
county of  
Roane.

Sec. 3. *Be it enacted*, That John W. Brazeal is hereby appointed a surveyor, to run and mark the said lines of Roane county in the manner pointed out in this act, and that the county court of Roane county, are directed to

Surveyor  
appointed

make him such allowance for running said line, as they may think proper, to be paid out of any monies in the hands of the trustee of said county of Roane, not otherwise appropriated.

Surveyor  
appointed.

Sec. 4. *Be it enacted*, That the surveyor shall be appointed, by the county court of Rhea county, to run and plainly mark the lines of said county of Rhea, where they are not bounded by natural boundaries, or the lines of other Counties, and that said court, shall make the surveyor such allowance as they may think proper, to be paid by the trustee of said county of Rhea out of any monies in his hands not otherwise appropriated.

Sec. 5. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, be, and the same are hereby repealed, and that this act shall be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 13, 1819.

#### CHAP. 4.

**AN ACT** to divide the counties of Marion, Bledsoe, Warren, White, Overton and Jackson into two Solicitorial districts.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Bledsoe, Marion, Rhea, Hamilton, and M'Minn, shall constitute one solicitorial district, to be known by the name of the eleventh district; and the counties of Warren, White, Overton and Jackson, shall be and remain the fifth district, and there shall be solicitors appointed for said districts, in the manner pointed out by law.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 15, 1819.

#### CHAP. 5.

**AN ACT** to lay off and establish separate elections in this state, at the places therein named.

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee*, That a precinct election is hereby authorised and established at the house of Thomas Chambers on New River in the county of Campbell. Separate elections authorised in Campbell.

Sec. 2. *Be it enacted*, That three precinct elections are hereby authorised and established in the county of White, to wit: one at the house of Robert Cook, and one at the house of James Netherton, and one at the house of James Davis. In White.

Sec. 3. *Be it enacted*, That three precinct elections are hereby authorised and established, one at the house of Abner Driver, and one at Shelton's, on the dividing ridge between Stones river and Mill creek, and one at Paradise's old place on the head of Whites creek, in the county of Davidson. In Davidson.

Sec. 4. *Be it enacted*, That a precinct election is hereby authorised and established at the house of John Sarver in the county of Sumner. In Sumner.

Sec. 5. *Be it enacted*, That four precinct elections are hereby authorised and established in the county of Franklin in addition to the two heretofore established, to wit: one in the town of Salem, one at the Stone Fort, one at Caldwell's bridge, and one at the house of Daniel Muse on Rock creek. In Franklin.

Sec. 6. *Be it enacted*, That two precinct elections are authorised and established in the county of Lincoln, to wit: one at the house of Wm. Crunk on Cane creek, and one at the house of Robert Hodges, on Cold water; and it is also authorised and required that the precinct election, heretofore held at the house of Samuel Isaacs be removed to the house of Thomas Rountree in the town of Lynchburg in said county of Lincoln, and that the act heretofore establishing said separate election at the house of said Samuel Isaacs be and the same is hereby repealed. In Lincoln.

Sec. 7. *Be it enacted*, That the precinct election heretofore held at the house of Michael Myers in the county of Greene, is hereby removed and established at the house of George Rinker, in said county, and the law heretofore passed, establishing said election at the house of said Michael Myers, be, and the same is hereby repealed. In Greene.

Sec. 8. *Be it enacted*, That a precinct election is hereby authorised and established at M'Clures Mill on Poplar creek in the county of Roane, and that an election heretofore established at the house of Mr. H. M. Blake shall hereafter be held and established at the house of Richard Rector, in said county of Roane, and that the law heretofore establishing said election at said Blakes is hereby repealed. In Roane.

Sec. 9. *Be it enacted*, That a precinct election is hereby authorized and established at the house of John Triplett in the county of Morgan, and that one other precinct election be established in said county of Morgan, at the place known by the name of the Indian tavern. In Morgan.

Sec. 10. *Be it enacted*, That a precinct election is hereby

**In Marion** by authorized and established at the house of William Stephens in the county of Marion.

**In Maury.** Sec. 11. *Be it enacted*, That a precinct election is hereby authorized and established at the house of Joseph T. Elliott in the county of Maury, in place of the election heretofore established at the house of Jonathan Pickings, and the act heretofore passed establishing said precinct election at the house of said Pickings, be, and the same is hereby repealed.

**In Giles.** Sec. 12. *Be it enacted*, That two precinct elections are hereby authorized and established in the county of Giles, to wit; one at the house of Samuel M'Night, and one at the house of William Pane.

**In Lawrence** Sec. 13. *Be it enacted*, That two precinct elections are hereby authorized and established in the county of Lawrence, to wit: one at the house of Jacob Pennington and the other at the house of John Null.

**In Grainger** Sec. 14. *Be it enacted*, That a precinct election be established at the house of Joseph Noah in the county of Grainger on the south side of Holston River, in addition to the one heretofore established.

**In Warren.** Sec. 15. *Be it enacted*, That one other precinct election is hereby established in the county of Warren at the house of Jacob Burger in addition to the eight heretofore established.

**In Overton.** Sec. 16. *Be it enacted*, That there shall be an election in the town of Hilham in the county of Overton.

**In Hawkins** Sec. 17. *Be it enacted*, That a precinct election is hereby authorized and established in the county of Hawkins at the house of Hugh G. Moore, in the town of Mooresburg.

**In Rhea** Sec. 18. *Be it enacted*, That a precinct election shall be held at the house of William Price senior on Sauwee creek in the county of Rhea.

**In Overton** Sec. 19. *Be it enacted*, That the act heretofore establishing a precinct election at the house of Thomas Poteet in Overton county, is hereby repealed, and a precinct election is hereby established at the house of Joseph Anderson in said county.

**In Greene** Sec. 20. *Be it enacted*, That a separate election shall be held at the house of Captain John Farnsworth in the county of Greene, for the convenience of the inhabitants on the south side of Nolichucky river under the same rules and regulations as heretofore prescribed by law.

**In William-son** Sec. 21. *Be it enacted*, That there shall be a separate election established in the county of Williamson at Capt. J. Fly's muster ground.

**In Giles** Sec. 22. *Be it enacted*, That the present election now held at Upper Elkton, shall be hereafter held at Lower Elkton at the Jinkings tavern under the same rules as the elections at Upper Elkton was holden.

Sec. 23. *Be it enacted*, That all the before mentioned

elections shall be opened and held, by the sheriff, deputy or coroner, of the respective counties, under the same rules, regulations and restrictions as other general elections are held, and the returns from said precinct elections shall be made on the Saturday succeeding the days of election to the sheriffs of the respective counties to be compared as in other cases of separate elections, except the county of Franklin which are to make their returns on the evening of the second day at Winchester, under the same rules, the precinct elections in said county has been heretofore done.

Sec. 24. *Be it enacted*, That it shall be the duty of the county courts at their session preceeding the general elections to appoint suitable persons to hold precinct elections, where there is not a sufficient number of legal officers to hold the same, and such persons when appointed before he or them enter upon the duties of such appointment shall take an oath before some Justice of the Peace of said county to conduct said election agreeable to law.

JAMES FENTRE S,

Speaker of the House of Representatives.

R. EAKLEY,

Speaker of the Senate.

Nov. 13, 1819.

## CHAP. 6.

**AN ACT** to establish a new county west of Wayne county:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following described bounds shall be and is hereby made and constituted a new and distinct county by the name of *Hardin county*, in honor, and to perpetuate the memory of Col. Joseph Hardin deceased; beginning at the south west corner of Wayne county, and running thence north with the west boundary line of said county to the north west corner thereof; then due west to the Mississippi; thence down said river to the southern boundary line of the state; thence east with the south boundary line aforesaid to the beginning. Lines of  
Hardin c'ty.

Sec. 2. *Be it enacted*, That for the due administration of Justice; the first court of Pleas and Quarter sessions, and where to be the Circuit Court, and all subsequent Courts, until otherwise provided for by law, shall be holden at the house of Col. James Hardin, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed for the several counties in this state. Courts;  
where to be

Sec. 3. *Be it enacted*, That it shall be the duty of the sheriff of said county of Hardin, to hold an election at the Sheriff to  
hold an  
election.

place of holding courts in said county on the first Thursday and Friday in March next ; for the purpose of electing a Colonel and two Majors for said county of Hardin, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases ; and the militia of said county shall compose the sixty fifth regiment and be attached to the fifth Brigade.

**Militia election.** Sec. 4. *Be it enacted*, That the election for company officers for the county of Hardin shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said election shall be held on the first Monday in April next, under the same rules, regulations and restrictions as are prescribed in like cases.

**Sheriff to hold election.** Sec. 5. *Be it enacted*, That the sheriff of said county of Hardin on the days prescribed by law shall hold an election at the place of holding courts for the purpose of electing a Governor, Members of the state Legislature, members of Congress, and Electors to elect a President and Vice-President of the United States, under the same rules and regulations as prescribed by law.

**Justices of the peace to administer oaths.** Sec. 6. *Be it enacted*, That it shall and may be lawful for any Justice of the Peace for Hickman or Wayne counties, to attend at the place prescribed by law for holding court in Hardin county at the first court of Pleas and Quarter sessions appointed to be holden for said county, for the purpose of administering to the justices of said county the necessary oaths.

Sec. 7. *Be it enacted*, That this act shall be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives

**R. WEAKLEY,**

Speaker of the Senate.

November 13, 1819.

## CHAP. 7.

**AN ACT** to establish the counties therein mentioned, East of Rhea and south of Roane and Blount counties.

**M'Minn established.** Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the territory contained within the lines hereafter mentioned, shall constitute a county by the name of M'Minn county.

**Its bounds.** Sec. 2. *Be it enacted*, That the said county of M'Minn, shall be bounded as follows; to wit; beginning at the point where the meridian line will cross the line of Roane county; thence a direct line to a point which shall be equidistant from Tillassee, on the Tennessee, and Hiwassee.

the rivers on the Indian boundary line; continuing the same course to the southern boundary line of this state; thence west with said line to the county of Hamilton; thence with the eastern line of said county to the county of Rhea; thence with the lines of the county of Rhea to the county of Roane; thence to the beginning.

Sec. 3. *Be it enacted*, That all the Territory included <sup>Monroe</sup> in the lines hereafter mentioned shall constitute a county established by the name of Monroe county.

Sec. 4. *Be it enacted*, That said county of Monroe shall be bounded as follows, to wit: beginning at the beginning of M'Minn county; thence running eastwardly with the line of Roane county to the Tennessee river; Its bounds: thence up said river to the mouth of Cowee and Nanteyallee; thence with the dividing ridge between said rivers to the eastern boundary line of this state; thence south with the said line to the line dividing this state from the state of Georgia; thence west to the county of M'Minn; thence with the said county to the beginning.

Sec. 5. *Be it enacted*, That for the administration of justice, the courts of Pleas and Quarter sessions and the circuit courts in said counties shall be held at the following places, to wit: for the county of M'Minn, at the house of Major John Walker, and for the county of Monroe, at the house of William Dixon, on the south bank of little Tennessee opposite the town of Morganton, at which places the said courts shall be holden, until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts, in other counties of this state. <sup>Its Courts</sup>

Sec. 6. *Be it enacted*, That the Sheriffs of the counties of Monroe and M'Minn, shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in May next, for the purpose of electing field officers of the Militia for said counties, under the same rules, regulations and restrictions, as are prescribed by law in similar cases; and the militia of the county of Monroe shall compose the sixty sixth regiment, and shall be attached to the seventh brigade; and the militia of the county of M'Minn shall compose the sixty seventh regiment, and be attached as aforesaid. <sup>Its elections</sup>

Sec. 7. *Be it enacted*, That it shall be the duty of the Militia commandants of said sixty sixth, and sixty seventh regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies, as they shall think best, for the convenience of said companies, and it shall be the duty of each of said commandants, to issue writs of election for company officers according to law.

Sec. 8. *Be it enacted*, That said county of Monroe shall be attached to the election district of the county of Blount.

Its organi-  
zation.

**JAMES FENTRESS,**

**R. W EAKLEY,**

**Nov. 13, 1849.**

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Robert Stone, William Lyons, George Gammon, Thomas Hamilton and Zachariah Cross, and they are hereby appointed managers to act with the Board of managers appointed by the act to which this is a supplement to superintend the removing the obstructions in the navigation of the rivers Tennessee and Holston.

Sec. 2. Be it enacted, That said Robert Stone, William Lyons, George Gammon, Thomas Hamilton and Zachariah Cross shall take the same oath and be under the same rules, regulations and restrictions and be entitled to the same powers and privileges which are provided by the act to which this is a supplement for the board of managers appointed by that act.

**Speaker of the House of Representatives.**

Speaker of the Senate.

November 2th, 1899.

**AN ACT** to amend an act passed at Knoxville the sixteenth day of October, 1817, entitled "an act to amend the law for the removing and safe keeping of prisoners in this state."

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That where any prisoner may have been removed for safe keeping by virtue of the before recited act, it shall be lawful for any justice of the peace of the county from which said prisoner was removed, on some day preceding the court at which such prisoner is to have his trial, to issue his order to the sheriff or jailor of the county where such prisoner has been removed, to deliver him up to the sheriff of the county wherein he is to have his trial, and the clerk of the county court is hereby required, to annex the county seal, if one there be, if not, his private seal, to such order, with his certificate, that such justice is an acting justice of such county.

*Sec. 2. Be it enacted,* That the sheriff or jailor having charge of such prisoner as before mentioned shall be authorised and required, on receiving such order, to deliver up such prisoner to the Sheriff of the county where such prisoner is to have his trial.

**R. WEAKLEY,**

Speaker of the Senate.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

October 7, 1819.

CHAP. 10.

**AN ACT** to repeal so much of an act passed the 22d of April 1809 as requires the seal of the Court to be attached to the probate or acknowledgement of any deed of conveyance, Mortgage, power of Attorney, Bill of sale or deed of trust &c.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That so much of the third section of the above recited act as requires the seal of the court to be attached by the clerk, to the probate or acknowledgment, of any deed of conveyance, power of attorney, deed of trust, mortgage or bill of sale, be, and the same is hereby repealed; and all deeds of conveyance, powers of attorney, mortgages bills of sale or deeds of trust which have heretofore been proven within any court of record in this state, and to

which the clerk has failed to attach the seal of his office in the manner prescribed by said act, they shall be as good and sufficient in law with the probate or acknowledgement attached in common form without a seal, as if the same had been taken strictly in pursuance of said act; any law usage or custom to the contrary notwithstanding.

**R. WEAKLEY,**  
Speaker of the Senate.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

October 7, 1819.

## CHAP. 11.

**AN ACT** to prevent the division of Land Warrants.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for the Register of East or West Tennessee, to divide or sub divide any land warrant or certificate of survey, any law to the contrary notwithstanding; provided nevertheless, that this act shall not be so construed, as to prevent either of the Registers from issuing a certificate where a grant or entry has been obtained on any warrant or certificate, and a part thereof is yet unsatisfied; but shall not be authorised to divide the same.

Sec. 2. *Be it enacted,* That this act shall be in force from and after its passage.

**R. WEAKLEY,**  
Speaker of the Senate.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

Oct. 1. 1819.

## CHAP. 12.

**AN ACT** to repeal a part of the tenth section of the act of Assembly of North Carolina respecting Bastards.

**WHEREAS,** the exercise of the powers conferred by the tenth section of the above recited act, is indecorous and inhumane, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not in future, be

lawful for any two justices of their own knowledge, or on information made to them, to cause any single woman who is pregnant, to come before them while pregnant, or within thirty days thereafter, to be examined on oath touching the father.

Sec. 2. *Be it enacted*, That this act shall be in force from and after the first day of January next.

Sec. 3. *Be it enacted*, That all laws coming within the purview and meaning of this act are hereby repealed.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

October 15, 1819.

**CHAP. 13.**

**AN ACT** to provide for natural born children.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any woman shall die intestate, leaving natural born child or children, and no legitimate child or children, such natural born child or children, shall take by the general rules of descent and distribution, the estate real and personal of his, her, or their mother, and should either of such children die intestate without child, his or her brothers and sisters shall in like manner take his or her estate, any law to the contrary notwithstanding.

**R. WEAKLEY,**

Speaker of the Senate.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

Sept. 27, 1819.

**CHAP. 14.**

**AN ACT** to prescribe the duty of the Public Printer in this state.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Public Printer in this state, and he is hereby expressly required, to print the public or general acts, apart from the private or local acts; and said public and

private acts, when thus printed, shall be bound together in one pamphlet as heretofore. It shall also be the duty of the printer to make an index to the public or general acts, and also a separate index to the local and private acts.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force, from and after the passage thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives:

**R. WEAKLEY,**

Speaker of the Senate.

October 20, 1819.

**CHAP. 15.**

**AN ACT** for the relief of those who are in debt to the banks and are sued by them.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any bank in this state has or shall obtain a judgement against any person or persons, no clerk of any court nor any justice of the peace in this state, shall hereafter issue any execution on such judgement until two years from the time of the rendition of such judgment shall have elapsed, unless said bank by its attorney or agent properly authorised thereto shall endorse on the execution that notes on the bank thus obtaining judgement will be taken in discharge and payment of such execution, in addition to the notes of the bank of the State of Tennessee and its branches, and the Nashville bank and its branches and such other bank notes as may be at par in said last mentioned banks.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 26, 1819.

**CHAP. 16.**

**AN ACT** to prevent the abatement of suits in certain cases.

**WHEREAS** by a rule of law the suits of *femes sole* are liable to abate by their taking husbands, whereby they are often delayed and deprived of their just rights, for remedy whereof:

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That no suit now depending or which may hereafter be brought in a court of law or Equity by a feme sole shall abate by her marriage; and it shall be lawful for the husband, on motion, at the next succeeding term after his marriage to make himself party to any such suit, and to prosecute the same as if he and his wife had been originally plaintiffs. Suits by feme sole not to abate by marriage.

**Sec. 2.** *Be it enacted,* That the clerk on application of such husband to be made party to such suits shall take bond and security of said husband for the prosecution thereof with effect, and on his failure he and his securities, shall be liable as in other cases to judgment for costs and be subject to the same writs of execution, and on said bonds being executed the original security for the prosecution thereof shall be discharged from further liability. Husband to give bond & security.

**Sec. 3.** *Be it enacted,* That no suits now pending, or which may hereafter be brought in law or Equity, against femes sole, shall abate by the inter-marriage of such feme sole, but their husbands respectively may be made defendants to such suits by scire facias, and judgment may be rendered therein and execution issue in like manner as tho' such suit had been instituted against husband and wife jointly. Husbands to be made defendants in suits brought against femes sole.

**Sec. 4.** And whereas by another rule of law the action of ejectment abates by defendants death, whereby great delay and increase of costs results to plaintiffs, for remedy whereof:

*Be it enacted,* That defendants death pending the action of ejectment shall no longer abate that suit, but the same may be revived within two terms, by serving a copy of the declaration filed in said action on the heirs or devisees of the defendant, or if they be minors, on their guardian or guardians and also a notice to appear and defend said suit.

**Sec. 5.** *Be it enacted.* That when such heir or heirs are without guardians it shall be the duty of the court before whom said suit or suits may be pending to appoint a guardian or guardians pending the suit to defend said suit or suits and notice of the appointment as guardians to defend said suits, and also of the pendency of suits, shall be served upon said guardian or guardians at least three months if said suit or suits may be pending in the Circuit Courts and six weeks if pending in the County Court, before the succeeding term after the appointment of such guardian or guardians, and before such cause or causes shall stand for Court to appoint guardians.

trial, and if said notice shall not be served upon said guardian or guardians in the manner herein prescribed and the length of time herein before required, said guardian or guardians shall not be compelled to go into trial at the first term after said notice may have been served upon them, but said suit shall stand over until the succeeding term thereafter.

If the heirs are non-residents, the sheriff shall return the fact to be so and likewise the place of the residence of said heirs if to him it is known, and if the place of residence of the said heirs is returned, or if not, if the courts before whom said suits may be pending can otherwise satisfactorily ascertain where said heirs may reside, said court shall order publication to be made four weeks successively at least three months previous to the succeeding term after the suggestion of the death of said defendants, and appointment of said guardians, if said cause is pending in the Circuit court, and six weeks if said cause is pending in the county court, in some Gazette in the state where said heirs may live and also in some newspaper in this state, which notice shall express the death of said defendant and the appointment of said guardians, and also that said cause or causes will be revived at the succeeding term in the name of the heirs of said decedent; and if the provisions of this act are strictly complied with, then said court shall order said suit or suits to be revived in the name of said and stand for trial the succeeding term thereafter; *provided nevertheless* if said heirs should appear at any time, at or before the trial of said cause or causes, upon satisfactory reasons shewn, said court may change said guardians at the instance of said heirs and appoint others in their stead to defend said suits on behalf of said heirs.

Sec. 6. *Be it enacted*, That if said heirs should be non-residents, the sheriff shall return the fact to be so and likewise the place of the residence of said heirs if to him it is known, and if the place of residence of the said heirs is returned, or if not, if the courts before whom said suits may be pending can otherwise satisfactorily ascertain where said heirs may reside, said court shall order publication to be made four weeks successively at least three months previous to the succeeding term after the suggestion of the death of said defendants, and appointment of said guardians, if said cause is pending in the Circuit court, and six weeks if said cause is pending in the county court, in some Gazette in the state where said heirs may live and also in some newspaper in this state, which notice shall express the death of said defendant and the appointment of said guardians, and also that said cause or causes will be revived at the succeeding term in the name of the heirs of said decedent; and if the provisions of this act are strictly complied with, then said court shall order said suit or suits to be revived in the name of said and stand for trial the succeeding term thereafter; *provided nevertheless* if said heirs should appear at any time, at or before the trial of said cause or causes, upon satisfactory reasons shewn, said court may change said guardians at the instance of said heirs and appoint others in their stead to defend said suits on behalf of said heirs.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

October 26, 1819.

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#### CHAP. 17.

AN ACT to repeal all that part of the 5th section of the act to amend the laws heretofore in force regulating the inspection of Tobacco, passed 1817.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, that part of the law that makes it the duty of Inspectors of Tobacco in this

state to class Tobacco, be and the same is hereby repealed.

Sec. 2. *Be it enacted*, That this act shall commence and be in force from and after the passing thereof.

J. C. MITCHELL,

Speaker of the House of Representatives *pro. tem.*

R. WEAKLEY,

Speaker of the Senate.

October 22nd, 1819.

## CHAP. 18.

**AN ACT** ratifying and confirming the line run and marked by commissioners between the states of Tennessee and Georgia, in the year 1818.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a line run and marked by General John Cocke commissioner on part of the State of Tennessee, and Captain Stocks commissioner on part of the State of Georgia, beginning at a point in the true parrallel of the thirty fifth degree of north latitude as found by James Carmak, Mathematician on part of the State of Georgia, and James S. Gains, Mathematician on part of the State of Tennessee, on a rock about two feet high four inches thick and fifteen inches broad engraved on the north side thus June 1st, 1818 Var,  $6\frac{3}{4}$  East; (which was found by said Mathematicians to be the variation of the compass) and on the south side of said rock was also engraved Geo. 35 North J. Carmak, which rock stands one mile and twenty eight poles from the south bank of the Tennessee river, due south from near the center of the old Indian town of Nickajack and near the top of the Nickajack mountain, at the supposed corner of the states of Georgia and Alabama thence running due East leaving old D. Ross two miles and eighteen yards in the State of Tennessee and leaving the house of John Ross about two hundred yards in the State of Georgia, and the house of David M'Nair one mile and one fourth of a mile in the State of Tennessee with blazed and mile marked trees, lessening the variation of the compass by degrees closing it at the termination of the line on the top of the Unicoi mountain at five and one half degrees; as the true dividing line between the states of Tennessee and Georgia is hereby in every part and parcel thereof established as the true southern boundary line of the state.

of Tennessee and all the acts and doings by the said commissioners, Mathematicians, and others lawfully concerned in and about the establishment of said line are hereby ratified and confirmed to all intents and purposes, any law usage or custom to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force so soon as the state of Georgia shall have passed a law similar in its provisions.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Oct. 30, 1819,

#### CHAP. 19.

### AN ACT regulating proceedings on Judgements and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no clerk of any court nor Justice of the peace within this state shall hereafter issue any execution upon any Judgment hereafter to be obtained until two years after the rendition of such judgement shall have elapsed, unless the plaintiff by himself or his attorney shall indorse upon the execution that the sheriff or other officer shall and may receive in satisfaction of said execution notes on the following banks to wit, on the bank of the state of Tennessee, and its branches and the Nashville bank and its branches or any of them and such other notes as pass at par with them; provided such notes continue current, and if the plaintiff shall make endorsement then it shall be the duty of the clerk or Justice to issue such execution as heretofore; and it shall be the duty of the officer who may receive such execution for collection to receive such notes in satisfaction thereof; provided that nothing in this act contained shall be so construed as to alter or change the laws heretofore in force authorizing Justices of the peace to stay Judgements by them rendered, in the manner pointed out by law.

Sec. 2. *Be it enacted*, That when any note or bill Holder of notes or bills of any bank within this state, shall be notes may or are payable at any branch of such bank, then and serve process on the President of that case it shall and may be lawful for the holder of such bill or bills, note or notes, or other evidence

of debt payable as aforesaid, to commence and prosecute suit thereon in the county where such branch Cashier & the place where they are payable may be located, before any court or tribunal having jurisdiction of such pleas; and service of process on the President and cashier of such branch bank, or either of them shall be good and sufficient to all intents and purposes.

Sec. 3. *Be it enacted*, That nothing in the first section shall apply to any judgment or execution against any bank within this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 24, 1819.

## CHAP. 20.

AN ACT to amend the laws now in force on the subject of divorces, passed the 26th October 1799.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases hereafter, when a copy of the petition is served upon said defendant, as required by the act, to which this is a supplement, the cause shall be heard and determined the first term, to which said petition is returnable; and if the defendant cannot be found in said county, upon the return of the sheriff of that fact, proclamation shall be made three several days of the first term, to which said process is returnable, and notice shall be given in the public newspapers, as heretofore, and the cause shall be set for hearing, and be determined at the second term, as other causes in the circuit court.

Sec. 2. *Be it enacted*, That, where any marriage hath heretofore, or may hereafter be celebrated in this state, and a separation hath or, may ensue, upon satisfactory proof being made to the circuit court according to the rules herein and heretofore prescribed, that said woman was in a state of pregnancy with a child of colour, at the time of said marriage, it shall and may be lawful for said court to grant a divorce, as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

WM. SEAWELL,

Speaker of the Senate, *pro tempore*.

October 23, 1819.

**AN ACT** to authorise the Register of East or West Tennessee to issue Grants in certain cases.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Register of the Land Office of East or West Tennessee, be, and he is hereby authorised and required to issue grants on all entries which are or may hereafter be made on two or more parts of warrants or certificates: altho' the same may in part be issued by the commissioner, and part by the Register, as the case may be; provided however that no grant shall issue for a greater quantity of land than five thousand acres, upon any warrants or certificates in this act mentioned.

**Sec. 2.** *Be it enacted,* That it shall be the duty of the Register in making out such grants to express therein the number of each warrant or certificate, by whom issued, and the quantity of acres of each appropriated in said grant.

**Sec. 3.** *Be it enacted,* That this act shall take effect and be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**EDW'D DOUGLASS.**

Speaker of the Senate, *pro-tempore*.

October 23, 1819.

**AN ACT** to consolidate the Banks of this state.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it may be lawful for the Bank of the state of Tennessee and the Bank of Nashville to consolidate said institutions; provided however that a majority of the stockholders and directors of said institutions respectively shall agree to the consolidation before the same shall take place.

**Sec. 2.** *Be it enacted.* That a majority of the directors of the Bank of the state of Tennessee, or a majority of the Directors of the Bank of Nashville, shall have power and authority to accept the Farmers' and Mechanics' Bank of Nashville, or the Fayetteville Tennessee Bank, as branches of their institutions, if to them it may appear, that the union allowed by this act, may be of public utility and beneficial to the stockholders of said institutions respectively.

**Sec. 3. *Be it enacted.*** That the consolidation of the different Banks of this state shall take place upon such terms and conditions, and under such restrictions and regulations, as may be prescribed by a majority of the stockholders or directors of said institutions respectively, and no union shall be imposed on said Banks unless it be assented to by a majority of the persons interested in said institutions respectively.

**JAMES FENTRESS,**

Speaker of the House of Representatives,

**R. WEAKLEY,**

Speaker of the Senate,

November 26, 1819.

#### CHAP. 23.

### AN ACT for the relief of Millers.

**Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That from and after the passing of this act, every person who may be the keeper of any grist mill in this state, shall be exempted from attending on musters or serving as jurors or working on public roads; provided always that nothing herein contained shall be so construed as to exempt any keeper or keepers of any grist mill or mills from performing militia duty when a requisition is made by the constituted authorities of the state of Tennessee, or of the United States.

**Sec. 2. *Be it enacted,*** That all laws and parts of laws coming within the perview and meaning of this act, be and the same are hereby repealed.

**Sec. 3. *Be it enacted,*** That this act shall take effect and be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives,

**H. WEAKLEY,**

Speaker of the Senate.

Oct. 30, 1819.

#### CHAP. 24.

### AN ACT to regulate the duties of the Circuit Judges.

**Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.*** That all laws heretofore passed requiring Circuit Judges to interchange ridings, be, and the same are hereby repealed.

**Sec. 2. *Be it enacted,*** That in holding the Courts, the Circuit Judges of this state shall be located to the Circuits for which they may have been respectively appointed; provided however, that where any Judge shall be related to the parties, may have been employed in any cause, or by any other reason rendered incompetent to set upon the trial of any cause in his circuit, it shall be his duty to notify the Judge of the nearest circuit of his incompetency; and upon this notification they shall interchange ridings, until the said causes shall be tried and determined.

**Sec. 3. *Be it enacted,*** That the circuit courts of Sumner county shall be holden hereafter on the second Mondays in April and October.

**Sec. 4. *Be it enacted,*** That this act shall be in force from and after the first day of January next.

JAMES FENTRESS,  
Speaker of the House of Representatives,  
R. WEAKLEY,  
Speaker of the Senate,

Nov. 6, 1819.

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CHAP. 25.

**AN ACT** regulating certain proceedings at law.

**Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That when any suit shall hereafter be brought on an account coming from any other county, or state, with the affidavit of the plaintiff, and the certificate of a Justice annexed to said account, and also the clerks certificate, that said Justice is an acting Justice within his county, the Justice of the peace, or court, having cognizance of said suit, shall proceed to enter up Judgment on said account, and issue execution accordingly, unless the defendant shall on oath deny the justice of said account.

**Sec. 2. *Be it enacted,*** That hereafter defendants may be permitted to prove their accounts when offered as a set off, in the same manner, and under the same rules and regulations, as plaintiffs are now by law permitted to prove their accounts.

**Sec. 3. *Be it enacted,*** That this act shall be in force from, and after, the passing thereof.

JAMES FENTRESS,  
Speaker of the House of Representatives,  
R. WEAKLEY,  
Speaker of the Senate,

November 3, 1819.

**AN ACT** to amend an act passed at Knoxville, on the 4th day of December, 1807, entitled "an act to direct the duty of clerks and sheriffs in certain cases therein mentioned" and for other purposes.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all public roads, which have heretofore been used as public highways, and on which it has been customary for overseers to be appointed, and hands to work, shall hereafter be taken and deemed to be public roads, and all roads, which may hereafter be laid off by order of any county court, on which an overseer shall have been appointed, or on which hands may have worked under the direction of an overseer, shall also be deemed public roads, and credible, parol proof of these facts is all that shall hereafter be required, on the part of the state, in any prosecution, which may hereafter be instituted against any overseer of a public road, or highway, for a failure in the performance of his duty, as pointed out by law.

**Sec. 2.** *Be it enacted,* That it shall only be necessary hereafter in order to the conviction of any overseer of a public road or highway in this state, to prove that he has summoned hands to work on any public road, of which he holds himself out as overseer, or that he has publicly performed any of the duties required of overseers of public roads in this state, and that nothing contained in the act, which this is intended to amend, shall be so construed as to exclude parol proof of any of the facts, necessary to charge the overseer of any public road for neglect of any part of his duty, as prescribed by law.

**Sec. 3.** *Be it enacted,* That the clerks of the several county courts in this state shall hereafter have twenty five days allowed them, after the adjournment of their respective courts, to issue copies of orders relative to public roads, and copies of the appointment of overseers of public roads, which may have been made during the term, and the sheriff shall thereafter, within twenty days, as now prescribed by law, execute, and deliver the same to the person or persons, who may have been appointed overseer or overseers, but in no case shall a failure on the part of any clerk or sheriff to perform any of these duties, go to exempt any overseer from the penalties of the law now in force, if satisfactory parol proof can be made, that he received his appointment at any time afterwards, or that he proceeded to the performance of the duties of his said

appointment, and that he has failed to have his road in a proper and legal state of repair.

Roads to be  
measured &  
marked.

Sec. 4. *Be it enacted*, That all overseers of roads shall within six months after the passing of this act, carefully measure and mile mark their respective roads, and set up a post of some durable wood at each mile, and mark thereon the number of miles to the court-house of their county, or some other place of notoriety, and also to cause to be set up at the forks of all roads in their several districts, a post or posts with arms pointing the way of each and every public road, directing to the most public places, with the number of miles from that place, as near as can be computed; except where the same has heretofore been done.

Roads not  
miled and  
marked to  
be present-  
ed.

Sec. 5. *Be it enacted*, That it shall be the duty of the grand jurors of the several counties of this state to present all public roads, that are not mile marked, and posts set up and marked, as before directed, and all forks of roads, that have not an index or arms, as herein directed, and the court shall proceed to fine such overseer upon conviction in a sum not exceeding five dollars, and it shall be the duty of the solicitor to give the same in charge to the said jurors.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

6th Nov. 1819.

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#### CHAP. 27.

**AN ACT** to authorise persons to commence and prosecute a suit at law, upon any lost bond, obligation, or other instrument of writing, therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person or persons, his, her, or their, legal representative, or rightful assignee, or assignees, or either of them, have lost, or unintentionally mislaid any bond, obligation, promissory note, or other instrument of writing for the payment of money, or other valuable thing, or the conveyance of real estate, or where the defendant or defendants have fraudulently obtained the possession of any of said instruments of writing, it may and shall be lawful for him, her, or them to commence and

Suits may  
be brought  
upon lost  
bonds &c. on  
the plaintiff  
making affidavit of the  
loss.

prosecute a suit at law, before any tribunal having cognizance thereof, upon such bond, obligation, or obligations, promissory note, or notes, or other instrument of writing, for the payment of money or other valuable thing, without producing the same on the trial before any Justice of the Peace, out of court, or making profert of the same in any court of record, if he, she, or they will make an affidavit, in writing, sworn to and subscribed before any tribunal having cognizance, either at the time of obtaining the warrant or filing the declaration, as the case may be, which said affidavit shall be attached to such warrant, or declaration, as the case may be, that he, she, or they, have lost, or unintentionally mislaid said bond, obligation, promissory note, bill of exchange, or other instrument of writing for the payment of money, or other valuable thing, or the conveyance of real estate, or that the possession of the same has been fraudulently obtained by the defendant, and that he, she, or they, have not sold, bartered, transferred, assigned, or conveyed, by themselves or by any person for them, such bond, obligation, promissory note, bill of exchange, or other instrument of writing, for the payment of money, property, or other valuable thing, or the conveyance of real estate, to any person or persons whatever.

Sec. 2. *Be it enacted*, That in all cases, whether the action is commenced before a Justice of the Peace, or Court of Record, having jurisdiction thereof, the plaintiff shall be compelled to produce any instrument of writing, not under seal, within the power of said party to produce, upon which his, her, or their action is founded, if said cause is pending before a Justice of the Peace, upon the trial of such cause, and if the cause is pending in a court of record, at the return term, and make profert of the same in his, her, or their declaration, unless longer time is given.

Instruments  
sued on in  
court or be-  
fore a jus-  
tice to be  
proffered.

Sec. 3. *Be it enacted*, That when any defendant or defendants, have lost or unintentionally mislaid any deed of release, defeasance or other acquittance, or where the possession of the same has been fraudulently obtained by the plaintiff, it shall, and may be lawful for such defendant or defendants to plead such release, defeasance or other acquittance without making profert thereof in his, her, or their plea, if he, she, or they will make an affidavit and attach the same to such plea in writing, sworn to before the tribunal having cognizance thereof, that such deed, or deeds of release, defeasance, or other acquittance is lost or unia-

Defendants  
may plead  
on oaths re-  
leases and  
acquittances  
which are  
lost.

tentionally mislaid, or that the plaintiff has fraudulently obtained the possession of the same, so that said defendant cannot produce it either on the trial, or to make proof thereof.

**Sec. 4. Be it enacted,** That when any person or persons, either as plaintiff, or defendant, may wish to avail him, her, or themselves of the benefits of the plea of non est factum by a plaintiff to any deed of release, defeasance or denial of any other acquittance or by a defendant to any of the bonds, obligations, or the plea of non est factum to any promissory notes, bills of exchange, or other instruments of writing for the payment of money, or other valuable thing, he, she, or they, shall file such plea in writing, supported by the oath of the party making the same, whether as plaintiff or defendant, before any tribunal having cognizance thereof.

Plaintiff or Defendant may plead non est factum on oath

Penalty on swearing falsely.

**Sec. 5. Be it enacted,** That if any person or persons either as plaintiff or defendant shall swear falsely to the loss or mislaying of any of the instruments of writing by this act described, to any plea of non est factum, or non assumpsit to any of the actions or pleas, founded on any of the instruments of writing, in this act enumerated, shall suffer all the pains and penalties prescribed by law for wilful and corrupt perjury.

Parties recovering judgments on lost instruments to give security against their after appearance

**Sec. 6. Be it enacted,** That it shall be the duty of the Justice of the Peace, or other tribunal before whom any suit or suits shall be tried and determined, upon any of the bonds, obligations, promissory notes, bills of exchange, or other instruments, for the payment of money, property, or other valuable thing, or the conveyance of real estate, at the determination thereof, to take bond with approved security to indemnify the party against whom such recovery has been made, from any demand by actions upon said lost or mislaid instruments of writing, thereafter to be brought, and if such judgment be rendered, the same shall be stayed by order of the court, or justice, before whom the same is rendered until such security is given.

**Sec. 7. Be it enacted,** That this act shall take effect and be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 6, 1819.

**AN ACT** for quieting the citizens of this state in their possessions, and to prevent litigation.

**WHEREAS** many disputes have arisen with regard to the proper construction of the statutes of limitation, and the time seems fast approaching when titles to land will become so perplexed, that no man will know, from whom to take or buy lands, for remedy whereof :

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That in all cases, where any person or persons, their heirs or assigns, shall at the passing of this act, or at any time after, have had seven years possession of any lands, tenements, or hereditaments, which have been granted by this state or the state of North Carolina, holding or claiming the same by virtue of a deed or deeds of conveyance, devise, grant, or other assurance purporting to convey an estate in fee simple, and no claim by suit in law or equity effectually prosecuted, shall have been set up or made to said lands, tenements, or hereditaments within the aforesaid time ; then and in that case the person or persons, their heirs or assigns so holding possession, as aforesaid ; shall be entitled to keep and hold in possession such quantity of land, as shall be specified and described in his, her, or their deed of conveyance, devise, grant, or other assurance, as aforesaid, in preference to, and against all, and all manner of person or persons whatsoever ; and any person or persons and their heirs who shall neglect or who shall have neglected for the said term of seven years, to avail themselves of the benefit of any title legal or equitable, which he, she, or they may have to any lands, tenements or hereditaments within this state, by suit in law or equity effectually prosecuted against the person or persons, so as aforesaid in possession, shall be forever *barred* ; and the person or persons, their heirs or assigns, so holding or keeping possession as aforesaid for the term aforesaid, shall have a good and indefeasible title in fee simple to such lands tenements or hereditaments ; any law, usage, or custom to the contrary notwithstanding.

Seven years  
possession  
bars claimants.

Provided, that if any person or persons, that have been, are, or shall be entitled to commence and prosecute such suit in law or equity, shall have been, be, or shall be at the time of said right or title first descended, accrued, come or fallen, within the age of twenty one years, feme. covert, non compos mentis,

Proviso—  
and what  
persons pro-  
vided for

imprisoned or beyond the limits of the United States and the territories thereof, that then such person and persons, his, her, and their heir and heirs shall or may notwithstanding the said seven years be expired, bring his or her suit, or action, as he, she, or they might have done before this act, so as such person and persons, or his, her, and their heir and heirs, shall within three years next after his, her and their full age, discovery, coming of sound mind, enlargement out of prison, coming into the United States or the territories thereof, or death, take benefit of and commence such suit, and at no time after the said three years.

Provided also, that in the construction of this saving no cumulative disability shall prevent the bar aforesaid; but shall only apply to that or those disabilities, which existed, when the right to sue first accrued, and no other; and provided also; that such suit so commenced to save the bar, shall be a suit prosecuted with effect, and no other.

*Sec. 2. Be it further enacted,* That no person or persons, or their heirs, shall have, sue, or maintain, any action or suit either in law or equity, for any lands, tenements, or hereditaments, but within seven years next after his, her, or their right to commence, have, or maintain such suit shall have come, fallen, or accrued; and that all suits, either in law or equity for the recovery of any lands tenements or hereditaments, shall be commenced, had and sued within seven years next after the title, or cause of action or suit accrued or fallen; and at no time after the said seven years shall have passed.

*Provided,* that if any person or persons that is or shall be entitled to commence and prosecute such suit or action in law or equity, be, or shall be, at the time of said right or title first accrued, come or fallen within the age of twenty one years, feme covert, non compos mentis, imprisoned; or beyond the limits of the United States and the territories thereof, that then such person or persons, his, her, or their heir and heirs, shall and may, notwithstanding the said seven years be expired, bring his or her suit, or action, as he she or they might have done before this act, so as such person and persons, his, her, and their heir and heirs shall within three years, next after his, her, and their full age, discovery, coming of sound mind, enlargement out of prison, coming into the United States or the territories thereof, or death, take benefit of and commence such suit, and at no time after the

No suit can be maintained unless commenced within seven years.

Proviso—  
& for whom

said three years; provided also, that in the construction of this saving no cumulative disability shall prevent this bar, but shall only apply to that, or those disabilities which existed at the time, when the right to sue first accrued and no other; and provided also, that such suit so commenced, to prevent the bar, shall be a suit prosecuted with effect, and no other.

Sec. 3. Provided nevertheless, that if on any of the said actions or suits, judgment shall be given for the plaintiff and the same be reversed by writ of error, In what cases suits may be re-commenced or verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff; that he take nothing by his plaint, writ, bill, or suit; or if any of said actions shall be commenced by original writ, and the defendant cannot be legally attached, or served with process; in all such cases the party plaintiff his heirs, executors, or administrators, as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed, or such judgment given against the plaintiff, or until the defendant can be attached or served with process, so as to compel him, her or them to appear and answer; and provided also, that this act shall have no bearing on the lands reserved for the use of schools.

Sec. 4. *Be it enacted*, That all laws and parts of laws, within the perview and meaning of this act shall stand repealed from and after the passing of this act.

Sec. 5. *Be it further enacted*, That this act shall be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate,

Nov. 16, 1819.

#### CHAP. 29.

**AN ACT** regulating Clerks in certain cases:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Clerks of the county courts of this state may demand and receive twenty-five cents for each search they may make of any papers belonging to any suit, which may have been acted on before any Justice of the Peace; and which

may have been returned to such clerk, by reason of such Justice having resigned, removed or deceased; and for each execution by him issued on any Judgment so returned, twenty-five cents, and no more.

Sec. 2. *Be it enacted*, That where any person in this state has been appointed by law to keep said justices papers, shall be allowed the same fees for similar services.

**JAMES FENTRESS,**  
Speaker of the House of Representatives,  
**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 30.

**AN ACT** authorising the county courts to appoint a committee, of their own body, for the purpose of examining into the state and condition of persons applying as paupers

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several county courts in this state are hereby authorised to appoint any number of their own body, not less than three, to examine into the state and condition of all persons presenting themselves as paupers to be supported at the county charge, and report the same to their respective courts; provided always that no court shall make any appropriations for any person, but such as may be rendered incapable by old age, or bodily, or mental disability from ministering to their own support, and shall be by said committee reported so, any law to the contrary notwithstanding.

**JAMES FENTRESS,**  
Speaker of the House of Representatives,  
**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 15, 1819.

CHAP. 31.

**AN ACT** regulating the practice in courts of Chancery, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee*, That from and after the first day of January next, in all cases in Chancery the depositions of witnesses shall be taken in writing, without compelling the personal attendance of witnesses in any case or cases whatsoever.

Sec. 2. *Be it enacted*, That in all cases in Chancery Circuit Courts, if either party shall be dissatisfied with the judgment or decree of said court of Chancery, he she, or they, shall have a right to pray for, and obtain an appeal to the Supreme court of Errors and Appeals for the district, and shall be entitled to a re-examination in said supreme court, upon the whole matters of law, and fact, in the same way, and under the same rules, regulations and restrictions, as other causes originally commenced in said supreme courts, are heard and determined.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 16, 1819.

#### CHAP. 32.

AN ACT more effectually to restrain the taking of excessive Usury.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the legal rate of interest shall be hereafter, as heretofore, six per centum per annum, and at that rate for a longer or a shorter period.

Sec. 2. *Be it enacted*, That in any case where a larger sum shall be reserved directly or indirectly, it shall be in the option of the defendant to plead this act, and thereby avoid the excess over said legal rate; and in all cases, to save the expence of a suit in Equity, where this statute is violated, it shall be lawful for the defendant to file his plea upon oath, and the plaintiff may reply on oath, or the oath of the original payee, and the matter shall be decided by a jury.

Sec. 3. *Be it enacted*, That in any case where more than legal interest shall be reserved and taken, the party so reserving and taking shall be liable to prosecution by presentment, or indictment, and on conviction thereof shall be fined in a sum to be assessed by a jury.

Sec. 4. *Be it enacted*, That the defendant, when

prosecuted for the above offence, shall be allowed four pre-emptory challenges.

Sec. 5. *Be it enacted*, That an act on this subject, passed at Edenton in the year seventeen hundred and forty one, be, and the same is hereby wholly repealed; provided that contracts heretofore made shall not be affected by the repeal thereof; except so far as relates to the penalties thereby imposed, and not already sued for:

JAMES FENTRESS,  
Speaker of the House of Representatives.

R. WEAKLEY,  
Speaker of the Senate;

Nov. 13, 1819.

### CHAP. 33.

AN ACT to prescribe the duties of Justices in certain cases.

WHEREAS it frequently happens that Justices of the peace after receiving their appointments do remove out of the bounds of the companies for which they were appointed and agreeably to the constitution of this state it is out of the power of the Legislature to appoint more than two Justices for each Captains company except the town company in each county within this state which is allowed three; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any Justice of the peace within this state who has removed, or may hereafter remove out of the Captains company in which he li-

Justice of peace to attend at muster. by made his duty to attend at the muster ground in said company on the second Saturday in each and every month for the purpose of discharging the duties of his office, in the said company, for which he was appointed, under the penalty of twenty five dollars for every such failure to be recovered by warrant before any Justice of the peace one half to the county and the other half to him or them who will sue for the same; provided if it should appear said Justice was prevented by sickness from attending, it shall be a sufficient excuse.

Sec. 2. *Be it enacted*, That this act shall not extend to those Justices of the peace who have removed

or may hereafter remove out of the county for which they were appointed.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passing thereof,

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 13, 1819.

#### CHAP. 34.

**AN ACT** to increase the salary of the officers therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Judges of the Court of Errors and Appeals, shall, each receive for their services, the sum of eighteen hundred dollars per annum; and each of the Judges of the Circuit Courts in this state shall receive one thousand three hundred dollars per annum.

Sec. 2. *Be it enacted*, That from and after the twenty-eight of September, one thousand eight hundred and twenty-one, the Governor of this state shall be entitled to receive for his salary, of the Treasurers of this state, the sum of two thousand dollars, payable in the same manner that their salaries have been heretofore paid.

Sec. 3. *Be it enacted*, That either of the Treasurers of this state, are hereby directed to pay to the Secretary of State, of this state, the sum of two hundred and fifty dollars per annum, in addition to the annual salary heretofore allowed by law.

Sec. 4. *Be it enacted*, That this act shall take effect from and after the passing thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 15, 1819.

#### CHAP. 35.

**AN ACT** to amend the laws in force for the trial of slaves.

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee,* That murder, arson, burglary, rape and robbery, shall when committed by a slave or slaves, be deemed capital offences and be punished with death, and all other offences shall be punished as heretofore ; provided that the punishment in no case shall extend to life or limb, except in the cases above enumerated.

Sec. 2. *Be it enacted,* That in the trial of slaves for all offences, where a jury is now required by law, it shall be the duty of the sheriff to summon three justices to preside on the trial, and twelve housekeepers being owners of slaves, to serve as a jury on such trial, and should the jury find the slave guilty of the offence charged, the said Justices shall proceed to pronounce judgement and award execution according to law and it shall be the duty of said Justices to deliver to the clerk of the county court the papers containing the proceedings of said trial to be safely preserved in his office.

Sec. 3. *Be it enacted,* That Jailors fees and other costs in all such cases shall be paid by the county, in which said trial takes place.

Sec. 4. *Be it enacted,* That this act shall be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the senate,

Nov. 8, 1819.

## CHAP. 36.

AN ACT for the relief of Aliens in certain cases.  
 WHEREAS it has been the policy of the United States, to encourage emigration from other countries, with a view to an increase of population and strength, and many good persons, relying on this declared policy, have come from other nations, and settled among us, and by their industry, or that of their ancestors, or relations, obtained possession of much property in this state, claiming by purchase or descent ; and impressions are entertained by some, that the state may have a right, to deprive them thereof, by inquisition, which it is believed would be highly impolitic and unjust, therefore to confirm their titles :

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee,* That all persons not having been born in the United States, or otherwise citizens thereof, who have come to the United States, and settled themselves in Tennessee, honestly intending to reside therein, and become citizens thereof, and having acquired real estate by purchase, or have taken possession of the real estate of their deceased ancestors, or relations, which they would inherit, if citizens of the United States, claiming the same by descent, shall have, hold and enjoy the same, and have the title thereto, in law and equity, which they would have, had they been native citizens, of the United States: to have and to hold to them, their heirs and assigns forever, in fee simple; provided said person or persons have heretofore made report and registry of him, her, or themselves, and of his, her, or their intention to become a citizen or citizens of the United States, and the State of Tennessee; or shall hereafter make such report and registry within one year from and after the first day of July next, and shall within five years thereafter become naturalized citizen or citizens of the United States, unless prevented by death, or causes beyond their controul; and provided no person refusing or failing, except for causes, as aforesaid, to comply with this act, shall derive any benefit therefrom.

Sec. 2. *Be it enacted,* That this act shall take effect from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 13, 1819.

CHAP. 37.

**AN ACT to tax hawkers and pedlars.**

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, it shall not be lawful for any hawker or pedlar to vend sell or exchange any goods wares or merchandise within this state without having first obtained a licence from the clerk of the county in which he vends, sells, or exchanges the same; and it shall not be lawful for any clerk to issue a licence to any hawker, or pedlar, without having first received from any such hawker or pedlar fifty dollars any law to the

Hawkers & pedlars not to sell without license.

contrary, notwithstanding ; provided nevertheless nothing herein contained shall be so construed, as to authorise the clerk of any court to grant licence to any hawker, or pedlar, for a longer term than one year for the aforesaid consideration of fifty dollars.

**Forfeiture.** Sec. 2. *Be it enacted*, That if any hawker or pedlar shall offend against the provisions of this act he shall be liable to the same forfeiture and penalties and recoverable in the same manner as is prescribed in the fifth section of an act of the General Assembly of this state entitled "an act to condense and bring into view the revenue laws of this state and to amend the same passed at Nashville in the year 1813.

And whereas it is represented many itinerant pedlars form fictitious copartnerships for the purpose of selling the goods of several persons under one firm and obtain but one license therefor for remedy whereof :

**Oath.** Sec. 3. *Be it enacted*, That before any person or persons shall obtain licence from the clerk in pursuance of the provisions of this act, he shall take and subscribe the following oath before said clerk to wit ; I A do solemnly swear (or affirm) that the goods I propose to sell are fairly and truly my own and that I have not formed any fictitious copartnership. nor will I, with any person or persons for the purpose of evading the payment of the revenue required by the laws of this state, and then said clerk shall grant the licence aforesaid ; provided said pedlar or hawker shall not have more than one waggon or carriage and if he shall have more than one waggon or carriage, he shall take out a licence for every waggon or carriage he may have by paying the amount above for each, and if any pedlar or hawker shall swear falsely for the purpose of getting licence he shall suffer all the pains and penalties of perjury.

Must have  
license for  
every wag-  
gon or car-  
riage

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 9, 1819.

## CHAP. 38.

**AN ACT** to amend the law now in force for the purpose of settling with collectors of county taxes and county trustees and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee*, That it shall be the duty of the Commissioners in the respective counties in this state to settle with the collectors of county tax, and with the county trustees, before again entering upon the duties of their office, to take before some justice of the peace the following oath: I, A. B. do swear that I will well and faithfully discharge the duties of my office assigned me by law to the best of my skill and ability so help me God. Oath.

Sec. 2. *Be it enacted*, That any commissioner heretofore, or that may be hereafter appointed on refusing to qualify as provided by this act shall be considered as removed from office and the court at their ensuing term shall fill such vacancy, and said commissioners so appointed and qualified are hereby required, to procure at the expence of the county a well bound book in which they shall cause to be entered and kept in the left hand pages thereof two fair and regular accounts, one against the sheriff or collector of taxes, and the other against the county trustee, fully and fairly stating the amount of all taxes that said collector may be bound for the collection of, together with each item of all monies or dues that they or either of them may be chargeable with in behalf of the county, expressing the manner in which it became due and owing or by whom paid, and on the right hand pages of said book opposite the debts, said commissioners shall cause to be entered each item of credit that they or either of them may be legally entitled to, plainly shewing the amount thereof and to whom paid.

Sec. 3. *Be it enacted*, That said commissioners unless oftener required shall settle with the said collector and county trustee at the same time and under the same rules and regulations pointed out by the laws now in force, which this is intended to amend, and shall transfer the balance of said accounts, if any, either for or against the county, to their respective accounts, to be opened for the ensuing year so that said commissioners may be enabled, when required by the court, plainly to shew the state and condition of the county treasury and in what manner the monies thereof has been disbursed.

Sec. 4. *Be it enacted*, That in order to enable the said commissioners to perform the duties by them herein enjoined, they or either of them shall annually unless oftener required apply to the clerk of their respective county, whose duty it shall be to furnish him or them with a list of the amount of taxes put into the Clerk to furnish commissioner with a list of taxes.

hands of the sheriff or collector, which is due and owing for that year, together with sufficient vouchers shewing the amount of monies by him paid to the Trustee as required by law for fines and forfeitures; and the amount of all appropriations made for the year either by the circuit or county court, with all necessary documents and vouchers shewing any receipts or disbursement of public or county monies; and it is hereby required of all sheriffs, constables, and justices of the peace, receiving and paying over any monies to the county Trustee in consequence of any fine or forfeiture incurred by any penal statute, or in any other manner accruing to the county to take a receipt for the sum so paid and forthwith to hand over the same to the said commissioners or either of them which they shall charge in the general account against said trustee, and file said receipt as a voucher on settlement, and any person failing to perform any of the duties enjoined on them by this act without sufficient cause shewn, shall be deemed guilty of a misdemeanor in office, for which they shall be removed, and if a justice of the peace it shall be sufficient grounds for an impeachment.

Rangers to  
give bond &  
security.

*Sec. 5. Be it enacted,* That it is hereby required of the several Rangers in this state, at the first court to be held for their respective counties after the first day of January next, to enter into bond and security in the sum of two hundred dollars under the same rules and regulations that other officers of government are bound to do, for the faithful performance of the duties of their office and in case of failure or neglect to perform the same, unless occasioned by sickness, or other disability, which shall be complied with at the next succeeding court, said Ranger shall be considered as removed from office and the court shall proceed to appoint another in his room, who shall give bond and security as herein provided, and it shall be the duty of each Ranger thus appointed, preceeding the time of settling with the county trustee unless otherwise required to furnish the commissioners appointed to settle with said trustee, with a statement and the necessary vouchers shewing the amount of all monies by him received and paid over to said trustee, either for any stray or strays, or as a fine for any violation of the stray laws, also a full statement of each, on every certificate of any stray or strays not proven away by the owner, and put in the hands of said trustee for collection, shewing the amount on each due and owing the county, which shall be charg-

ed in the general account against said trustee; provided always that said trustee shall be entitled to a credit for all monies due and owing as above, that he may be unable to collect upon his making satisfactory proof to the county court that he has made use of due diligence in trying to collect the same, also a credit for any money that he may have paid the former owner of any stray or strays, on his producing a certificate of the probate of such stray or strays, with a receipt for the money so paid.

Sec. 6. *Be it enacted*, That if any county trustee shall refuse or neglect to pay the amount, of any county order, jurors tickets, or other legal demand upon the county when demanded, it shall be deemed a misdemeanor nor in office, and on conviction thereof, shall be removed by the court, and another appointed in his room; unless he shall produce the said commissioners certificate or book, certifying that his disbursements has exhausted the amount of monies in his hands.

Trustee refusing to pay county order &c. to be removed from office,

Sec. 7. *Be it enacted*, That said commissioners when required by the court, shall at any time call the trustee to a settlement, and shall as often as thereto required, lay their said book before the court for their inspection and information, with all necessary vouchers to shew the state of the revenue; any law or usage to the contrary notwithstanding.

Commissioners may call trustee to a settlement.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 10, 1819.

CHAP. 39.

**AN ACT** for the relief of such persons, as shall have lost their grants, before they were recorded in the Registers office.

**WHEREAS** it is represented to this General Assembly that sundry persons have lost or mislaid their grants in transmitting them to, and from the Secretaries office, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall have lost, or may hereafter lose, his, her, or their grant before the same shall have been recorded in the registers office, it shall be the duty of the register of East

Register to issue duplicate grant.

or West Tennessee, (as the case may be) to issue a duplicate grant to such person or persons as shall have lost his, her, or their former grant—which duplicate when issued shall be authenticated, under the same rules and regulations, as are by law prescribed for the authentication of grants in this state, and shall be as effectual as would have been the original, any law usage or custom to the contrary notwithstanding.

And whereas it has been represented to this General Assembly, that James P. H. Porter, of Sevier county, is in possession of an occupant claim in said county, a plat and certificate of survey for which is filed in the Registers office for East Tennessee, and indorsed on said plat of survey "granted" and whereas it is also represented that said grant is not registered, but if ever it did issue was some how lost or mislaid before it came to the possession of said James; and whereas it is represented, that all fees for clearing out said grant were paid by said James; for remedy whereof :

Register of East Tennessee to issue a grant to James P. H. Porter. Sec. 2. *Be it enacted*, That the Register of East Tennessee, be authorised, and he is hereby required, forthwith, to issue a grant to the said James P. H. Porter for his said claim according to the boundaries of said plat of survey.

Sec. 3. *Be it farther enacted*, That the Treasurer of East Tennessee, in collecting the instalments and interest due on said land, be and he is hereby authorised and required to remit the interest, from the first of January 1818, until the first of December 1819.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JAMES FENTRESS,  
Speaker of the House of Representatives.  
R. WEAKLEY,  
Speaker of the Senate.

Nov. 17, 1819.

#### CHAP. 40.

#### AN ACT concerning plats and certificates.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of any person or persons, who may have plats and certificates of survey filed in the office of any principal surveyor in this state, or who may hereafter file such plats and certificates, to receive from such surveyor

said plat and certificate, within nine months after the passage of this act, or within nine months from and after such plat and certificate may be filed in said office.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 24, 1819.

**CHAP. 41.**

**AN ACT** to provide for the payment of state and county tax.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurers of East and West Tennessee, are hereby authorised and required to receive of the Sheriffs and collectors of the public monies for this state, all such bank notes as are current and passing at par in this state; and the sheriffs and collectors of public monies in the different counties of this state, are hereby authorised and required to receive of the citizens, in discharge of public dues such bank notes as are current and passing at par in this state.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 19, 1819.

**CHAP. 42.**

**AN ACT** prescribing the mode in which persons sued as endorsers of bonds, or notes, or as drawers, endorsers, or acceptors, of bills of exchange, or orders for the payment of money, shall deny such drawing, endorsement or acceptance.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That no person sued in any of the courts of this state as an endorser of any bond, or note, or drawer, endorser, or acceptor, of any bill of exchange, or order, for the payment of money, or plead any plea directly or indirectly denying such drawing, endorsement or acceptance, unless such

plea or denial be accompanied with an affidavit of the truth thereof subscribed by such party; provided nothing herein contained shall require an executor or administrator to make the foregoing affidavit.

Sec. 2. *Be it enacted*, That this act shall commence and be in force from and after the first day of January next.

JAMES PENTRESS,  
Speaker of the House of Representatives.  
R. WEAKLEY,  
Speaker of the Senate.

November 24, 1819:

CHAP. 43.

**AN ACT** to amend the laws in force authorising a change of venue.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all criminal cases in this state, the defendant or defendants shall be entitled to only one change of venue, and that in all civil causes neither party shall be entitled to change the venue but once only.

JONATHAN TIPTON,  
Speaker of the House of Representatives pro. tem.  
R. WEAKLEY,  
Speaker of the Senate.

Nov. 23rd, 1819.

CHAP. 44.

**AN ACT** to tax the proprietors of Turnpike roads.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January next, the proprietor or proprietors of each and every Turnpike gate heretofore, or which may hereafter be established in this state, shall be subject and liable to pay a tax of twenty five dollars per annum to the collector of the public taxes of the county in which such Turnpike gate or gates may be erected; and the clerks in the several counties in making out their tax lists for the public collector as aforesaid, shall enter upon such lists every Turnpike gate that may be erected within the bounds of each of their respective counties; and the said collector when collecting other public taxes in his county shall collect the

tax hereby laid upon Turnpike roads, and pay over and account for the same as other public taxes in this state; provided always that nothing herein contained shall extend to any Turnpike road in this state unless the same shall have been authorised three years immediately preceding the collection of the said tax.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force from and after the 1st day of January 1820.

**R. WEAKLEY,**

Speaker of the Senate.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

Nov. 16, 1819.

CHAP. 45.

**AN ACT for the relief of Sheriffs and Collectors.**

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the different sheriffs and collectors throughout this state shall be allowed the term of two years, from and after the passing of this act, to finish the collection of all taxes, which were not paid within the time prescribed by law, under the same rules and regulations and restrictions, and with equal powers; as acting sheriffs have in such cases.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 24, 1819.

CHAP. 46.

**AN ACT to provide for filling vacancies in the quorum courts.**

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter when any vacancy or vacancies happen in any of the quorum courts of this state by death, resignation or otherwise, the justices of the peace for the county in which such vacancy or vacancies may happen, are hereby authorised and required to fill such vacancy by selecting a fit and

proper person or persons, from their own body, and the person or persons thus selected to fill any such vacancy or vacancies, shall serve until the next general elections for justices of quorum, as heretofore prescribed by law; and the person or persons thus selected shall receive the same compensation, and shall exercise the same powers and privileges as the justices originally appointed and selected.

**JAMES FENTRESS,**

Speaker of the House of Representatives:

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 18, 1819.

**CHAP. 47.**

**AN ACT providing for the registration of Deeds grants &c.**

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any person or persons, who may have failed to register his, her or their, grants, deeds, or other instruments required by the laws of this state to be registered, within the terms prescribed by said laws, shall have the farther time of twelve months, to register the same, provided that said registration shall not operate to the injury of creditors, or subsequent purchasers.

**Sec. 2.** *Be it enacted,* That hereafter all deeds of conveyance or other instruments of writing required by the laws of this state, to be registered, shall be registered within twelve months from the execution thereof, and if any person shall fail, to have his or her deed or other instrument of writing as aforesaid registered within the term by this act prescribed, such person or persons may at any time thereafter have his, her or their deed or other instrument of writing registered, in which case such deed or other instrument of writing shall only operate, and take, effect from the time when so registered.

**Sec. 3.** Whereas many persons, claiming lands in the western district, and other persons have had their grants and mesne conveyances, registered in Greene county, and other counties in this state, other than that in which the lands lie, or did lie, at the time of such registration, therefore

*Be it enacted,* That when any grant or deed of conveyance shall have been registered in any county

in this state, with the proper probates, it shall and may be lawful, for any one interested therein, to have registered in the proper county, a copy, certified by the register of the county wherein such grant or deed may have been thus registered; and that such registration shall be good and valid in law, and a copy thereof shall be evidence as if such registration had been of the original grant or deed of conveyance.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the passage thereof.

**JONATHAN TIPTON.**

Speaker of the House of Representatives, *pro tem*,

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 23, 1819.

**CHAP. 48.**

**AN ACT** to further provide for the transfer of entries and warrants purchased at sheriff sale.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any individual or individuals shall have claim to any land by entry which shall or may have been sold by any sheriff or lawful officer, for the purpose of collecting taxes, or under judgment, it shall be lawful for the sheriff or other officer making such sale, to assign the warrant upon which such entry or entries shall have been made to the purchaser or purchasers, wherever the said warrants may be found, and in case where plats and certificates of survey shall have been made out, it shall be the duty of the sheriff or other officer making such sale, to transfer the same to the purchaser or purchasers, whether the same may be in surveyors office, registers office or elsewhere, and where it shall so happen that the sheriff or other officer or their successors, shall transfer such plats and certificates of surveys after the same shall have been taken from the surveyors office, it shall be the duty of the register to make out a grant or grants in the name of the purchaser or purchasers without any other certificate from the surveyor.

Sec. 2. *Be it enacted*, That in all such cases the purchaser shall have the same right to remove the warrant so acquired, or obtain a duplicate therefor as the former owner would have had.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passing thereof.

**JONATHAN TIPTON,**

Speaker of the House of Representatives, *pro-tem*.

**R. WEAKLEY,**

Speaker of the Senate.

November 19, 1819.

CHAP. 49.

**AN ACT** concerning the seals of Notaries public in certain cases.

**WHEREAS** in consequence of the death and resignation of notaries public their seals sometimes fall into other hands and may be the means of producing mischief ; to prevent which :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any notary public shall resign, he shall surrender his seal to the county court, and when such notary shall die, his executor, administrator or other person into whose hands said seal shall fall, shall surrender the same to the county court, to be cancelled and demolished ; and on failure shall be indicted in the county or circuit court, and punished as in other cases of misdemeanor.

Sec. 2. *Be it enacted*, That the attestations, protestations and other instruments of publication, of the several notaries public in this state and may be received in evidence in any court of record or before any Justice of the peace in this state.

Sec. 3. *Be it enacted*, That where any person or persons are interested in having the testimony of any notary public in this state, it shall be lawful for such person or persons, to take the deposition of such notary ; whether suit be depending or not before two Justices of the peace, giving to the opposite party ten days notice, if resident within this state, and if resident beyond the limits of the state forty days notice of the time and place of taking the same, and such deposition when thus taken shall be evidence between said parties in any suit in law or equity, then or thereafter depending, should said notary die or remove out of this state before the time of trial.

**JONATHAN TIPTON.**

Speaker of the House of Representatives, *pro-tem*.

**R. WEAKLEY,**

Speaker of the Senate,

Nov. 19, 1819.

**AN ACT** to confirm and make good all grants issued by the state of North Carolina on entries and warrants made west of Brown's line.

**WHEREAS**, in the year 1779 the state of North Carolina passed a law forbidding the entering of land west of a line called Brown's line, which act declared all entries heretofore made, and grants heretofore issued, and all entries hereafter made and grants hereafter issued for any land west of the before described line null and void, and required the enterers to call on the entry taker and receive their money for said entry, yet said entry taker never did refund said money, and said entries and warrants were perfected into grants—therefore :

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That all grants heretofore issued, and all grants hereafter issued on said entries and warrants, when the money was actually paid, shall be good and valid to all intents and purposes both in law and equity.*

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 26, 1819.

**AN ACT** laying a tax on Shows.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, any person or persons having a show or shows of any kind, or who shall wish to exhibit any feats of activity, slight of hand, or any other exhibition, for which money is taken, shall make application to the Clerk of the county, in which such person is about to perform or show, and the clerk is hereby directed to issue licence for the term of one year, and no longer; provided that before such licence shall issue as aforesaid the applicant shall pay to the said clerk the sum of fifty dollars, as a tax imposed on shows, with the additional sum of one dollar as a fee of office; and any clerk receiving any money in behalf of the state by virtue of this act, shall be bound to account for the same in manner and form as direc-*

ted for setting and accounting for the tax on law proceedings; and provided also that such person or persons, having any show or shows of any kind, shall be compelled to take a licence in each county, where he may wish to exhibit any show or shows.

**Sec. 2.** *Be it enacted,* That if any person or persons shall exhibit any show or shows of any kind whatever in this state contrary to the true intent and meaning of this act, he, or they shall forfeit and pay five hundred dollars to be recovered by action of debt, one half to the use of the person who will sue for the same, the other half to the use of the state: provided that nothing in this act contained, nor shall any other act, now in force and use in this state, be construed, so as to tax or prohibit any concerts or any theatrical exhibition.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 52.

**AN ACT** to provide for certain persons prosecuting the pleas of the state.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, if any solicitor general of this state shall fail or neglect to attend and prosecute the pleas of the state in any circuit court within his district, and said court, in the absence of any solicitor General as aforesaid should appoint any other attorney or council to prosecute the pleas of the state, it shall be the duty of the court on application of the Attorney or counsel, thus appointed, to certify his attendance to either of the Treasurers of this state, and in said certificate ascertain and make out what portion of the states salary to the Solicitor General of the district the said attorney or counsel appointed as aforesaid to prosecute the pleas of the state, would be entitled to for each term prosecuting as aforesaid—and upon any such certificate made out and presented to either of the Treasurers of this state either of them are hereby authorised and required to pay the amount, any such certificate may contain, to the attorney or counsel in whose favor the certi-

ificate may be drawn, and the said Treasurer shall deduct the amount of any such certificate or certificates out of the annual salary of the solicitor General in whose district the certificate or certificates may have been drawn in favor of any attorney or counsel prosecuting as aforesaid.

Sec. 2. *Be it enacted*, That any certificate made out in conformity with the provisions of the first section of this act shall be a good and sufficient voucher for either Treasurer in the settlement of their accounts.

JAMES FENTRESS,  
Speaker of the House of Representatives

R. WEAKLEY,  
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 53.

AN ACT supplemental to an act entitled an act to condense and bring into view the revenue laws of this state, and to amend the same, passed at Nashville on the      day of      1813.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the establishment of uniformity in the sale of property for the public taxes the following practice shall be adopted and pursued by the respective sheriffs and clerks within this state, to wit: when it shall so happen that the owner or owners, of any tract of land, or town lot, shall fail, or neglect to return the same for taxes, the sheriff and collector within such county, shall make report thereof to the court of his county, at the      session thereof in form following, to wit: I A. B. sheriff and collector of the public taxes for the county of      do hereby report to court the following tracts of land, town lots, &c. as having been omitted to be given in for the taxes for the year      ; that the same is liable to double taxes, that the double taxes thereon remains due and unpaid, and that the respective owners or claimants thereof have no goods or chattles within my county, on which I can distrain for said double taxes, to wit: A. B. a tract of land, claimed by grant from the state of      dated the      day of      and number      on entry made in      office, dated the

Rules to  
observed by  
Sheriffs.

Form of re-  
port.

day of \_\_\_\_\_, lying on \_\_\_\_\_ creek (or other water course as the case may be) containing \_\_\_\_\_ acres,

C. D. one town lot No. \_\_\_\_\_ in \_\_\_\_\_ town.

Sec. 2. *Be it enacted*, That on such report being made to the court, it shall be the duty of said court to direct the clerk to receive and record the same, and thereupon make out and issue an order thereon for the sale of said land, which shall be in form following to wit:

State of Tennessee,

County, }

Session 182

Whereas A. B. Sheriff and Collector of the public Form of or- taxes for the county of \_\_\_\_\_ reported to court the der of sale. following tracts of land, town lots, &c. as having been omitted to be returned for the public taxes for the year \_\_\_\_\_; that the same is liable to double tax, and that the double taxes thereon remain due and unpaid, and that the respective owners or claimants thereof have no goods or chattels within his county, on which he can distrain for said double taxes, to wit:

|                                |          |
|--------------------------------|----------|
| A. B. 1 tract of land lying on | } Taxes. |
| containing _____ acres.        |          |
| C. D. 1 Town lot No. _____ in  | }        |
| Clerks fees _____              |          |
| Sheriff's fees _____           |          |
| Printers fees _____            |          |

Whereupon it is considered by the court, that Judgment be, and it is hereby entered against the aforesaid tract or tracts of land, or town lot or lots (as the case may be) in the name of the state for the sum annexed to each, being the amount of double taxes, costs and charges due severally thereon for the year \_\_\_\_\_; and it is ordered by the court that said several tracts of land, town lots &c. or so much thereof as shall be sufficient of each of them to satisfy the double taxes, costs and charges annexed to them severally, be sold, as the law directs.

Sec. 3. *Be it enacted*, That where any lands, or lots may have been given in by the owner or owners thereof, and he she or they may have failed to pay the taxes thereon, and shall not have personal property, on which to levy for the payment of said taxes, it shall be the duty of the sheriff and collector to report in form aforesaid, and the clerks shall make out, and issue, an order to said sheriff and collector in form, as herein before set forth, which report and order shall pursue the foregoing forms as nearly as the nature of such case will permit.

**Sec. 4. *Be it enacted,*** That a copy of the sheriff's report, together with the order of court thereon in form as before set forth shall hereafter constitute the process, on which all lands and lots of land shall be sold for the public taxes, which, when received by the sheriff, shall be obeyed and returned under the same rules, and subject to the same penalties, as are now prescribed by law for executing and returning writs of fieri facias. Sheriffs report and order of court to be the proper powers.

**Sec. 5. *Be it enacted,*** That it shall be the duty of each and every sheriff and collector of public monies within this state to make the report, as specified in the first section of this act, at the first court after the first Monday of January in each and every year for the preceeding year or years, and when an order of sale shall issue to said sheriff and collector it shall be his duty to advertise in two public papers, printed within this state, one in each end thereof, at least three months before the day of sale; and if the land so advertised, should be sold, the claimant, or his agent, shall have power to redeem it in the manner pointed out in the act, to which this is a supplement. Sheriffs report to be made to the first court in January.

**Sec. 6. *Be it enacted,*** That the respective county courts within this state, twelve or a majority of the acting Justices of said counties being present, are hereby vested with full power to levy a sufficient poor tax within their counties, without being restricted to the rates heretofore established, and in levying the said tax shall apportion the same according to the number of poor persons within their said counties. Twelve Justices authorized to lay.

**Sec. 7. *Be it enacted*** That the sheriffs and collectors of all public taxes, which may be levied for county purposes, are hereby directed to pay the same into the hands of the Trustee of the county of which he shall be sheriff or collector, and shall not be permitted to purchase drafts or certificates against the county, nor shall the county Trustee receive such drafts or certificates in any other manner, than by receiving and entering them in a book, by him to be kept for that purpose, and paying such claims according to the order hereinafter prescribed. Collectors of county monies to pay it to trustee.

**Sec. 8. *Be it enacted,*** That each and every clerk of the Circuit and County Courts within this state shall on the first day of January in each and every year, pay over to the trustee of the county of which he shall be clerk all such fines and forfeitures, as by law are directed to be applied to county purposes, and shall make and account in the same manner, that he is directed by law to make out his account for the Treas- Clerks to pay county monies to Trustee and when.

Penalty for failure.

rer of the state, and shall deposit a copy of said account with the commissioners, appointed to settle with the trustee, and on failure or refusal so to do shall be liable to be proceeded against in the same manner, as is by law provided for failures of clerks in paying over monies collected for the use of the state to the treasurer.

Trustee to notice drafts in a book.

Sec. 9. *Be it enacted*, That each trustee within this state shall receive, and enter in a book to be kept by him for that purpose, all drafts chargeable against his county, noticing particularly the day on which the same was filed, and shall pay all such claims according to the order, in which they have been by him listed.

The order in which he shall pay them.

Sec. 10. *Be it enacted*, That when it shall so happen that a deficiency arises in the tax collected for a specified purpose, and a surplus may remain in the hands of the trustee, which has been levied and collected for other and different purposes, it shall be the duty of said trustee to apply such surplus to the extinguishment of such claims against the county, for which an adequate levy shall not have been made, as the county court shall order; provided all claims against the county, for the satisfaction of which said levy was made, shall have been discharged.

Duty of principal surveyors.

Sec. 11. *Be it enacted*, That it shall be the duty of each principal surveyor within this state and also of the surveyor general of the districts south of French Broad and Holston and of Hiwassee in the month of December in every year, to make out and transmit to the Register of each county within his district a list of all the claims, that may come to his knowledge, and which may lie within the counties of said Registers respectively, stating the names of the owners, of whom assignee, and whether it be held by grant, mesne conveyance, survey or entry, and also the number of the range and section it may lie in, if within his power; provided such tract or tracts may not have been stated at any former period, and said surveyors shall be entitled to receive from the Treasurer of East or West Tennessee, as the case may be, one cent for each claim so listed and received by said Register, and by him certified in the aggregate, and recorded, a copy of which shall be a sufficient voucher for the Treasurer in the settlement of his accounts.

Duty of Registers.

Sec. 12. *Be it enacted*, That it shall be the duty of the Registers of each county within this state forthwith to enter, in a book to be by him kept for that purpose, in alphabetical order a list of all the grants

And mesne conveyance, that have been recorded in his office, and which may lie in the county of which he is register ; and it shall be his duty hereafter to enter on said book a list of all such grants, mesne conveyance, surveys or entries, as may be forwarded to him pursuant to law, as well as of such as may hereafter be recorded in his office, as aforesaid, designating in columns opposite each owners name the number of said claim and the quantity of acres contained in each claim, and the number of the range and section it may lie in, where he is enabled to do so ; and it shall also be his duty to leave sufficient spaces between the alphabetic letters to enter such as may be afterwards forwarded to him, or otherwise come to his knowledge ; and when such space or spaces are filled up, to make proper folio references ; and he is also further directed carefully to enter, if a mesne conveyance, below the owners name, the name or names of the assignor or assignors, so far as he is able to trace the same from his records, and ever thereafter to enter such transfer as they may occur in his office, and write transferred, when made, and to whom, which said list shall annually in the month of June be compared with the returns of taxable property ; and the said register shall be entitled to receive from the Treasurer of East or West Tennessee (as the case may be) two cents for each claim so listed, to be collected in the same manner as is prescribed in the foregoing section respecting the surveyors.

Sec. 18. *Be it enacted*, That all acts and parts of acts coming within the purview and meaning of this act, be, and they are hereby repealed ; and this act Repealing shall take effect and be in force from and after the first day of April next.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 26, 1819.

#### CHAP. 54.

**AN ACT** to open an office for receiving entries of vacant and unappropriated lands in the district of country south of French Broad and Holston, and between the rivers big Pigeon and Tennessee.

Sec. 1. *Be it enacted by the General Assembly of the*

**Office to be opened for the receipt of entries.** *State of Tennessee,* That it shall and may be lawful for the surveyor General in the district of country south of French Broad and Holston, and between the rivers big Pigeon and Tennessee, to open his office to receive entries for vacant and unappropriated land situated in the bounds of his district; provided that no office is allowed to be opened, nor shall any entries be made in said office for lands lying within the limits of the country lately acquired by treaty from the Cherokee tribe of Indians between the rivers Tennessee and Hiwassee and north of little Tennessee river; said Surveyor General before his office is opened, as by this directed, shall in the presence of some Judge of the circuit court, enter into a bond with good and sufficient security to be approved by said Judge in the sum of twenty thousand dollars to the Governor and his successors in office, faithfully to discharge all the duties required of him in this act, and honestly and punctually to account for and pay over to the treasurer of East Tennessee all monies by him received for entries made in his office, which bond shall be attested by said Judge and deposited in the office of the secretary of state, upon a copy of which bond, suit may be instituted by the Governor or his successors, for a breach of the condition and shall not be void upon the first recovery.

**Surveyor to take oath & give bond.**

**Manner of making entries.**

**Sec. 2. Be it enacted,** That any person wishing to make an entry in said office, shall produce to said Surveyor General a writing setting fourth the name of the county wherein the land shall be situated, the nearest water courses and remarkable places, and such water courses as may be therein, the natural boundaries and the lines of any other person or persons, if any there be; and every such writing shall be endorsed by the surveyor general with the name of the claimant and the number of acres claimed, and a copy thereof shall be entered in a book well bound and ruled with a large margin, and into spaces of equal distances; every space to contain only one entry, and every entry shall be made in the order of time, in which it shall be received and numbered in the margin, and if no person shall appear within three months thereafter to claim said land, the surveyor general shall proceed to survey the same in the order of time in which said entries were numbered and made; but if any person shall appear within three months, and make claim to said land, he shall be entitled to enter a caveat in said surveyor's office, a copy of which together with a copy of the entry and all other neces-

**Surveying thereof.**

ary documents shall be certified and transmitted by said surveyor general to the next county court of the county, where said land may be situated, and shall be there tried and determined, and be governed in all respects by the same rules regulations and restrictions in force and in use in this state for the trial of caveat causes.

*Sec. 3. Be it enacted,* That every person or persons wishing to make an entry under the authority of this act, at the time he, she, or they produces to said surveyor general his or their location, shall pay to said surveyor general the sum of fifty cents per acre, for each and every acre of land described in said location and intended to be entered, and said surveyor general is hereby prohibited from receiving said location or entering the same on his book of entries, unless said sum of fifty cents per acre be first paid by the person or persons wishing to make said entry; and if said surveyor general receives said location, and enters the same in his book of entries without payment of said sum, it shall amount to a breach of the condition of his bond, for which an action at law shall and may be brought, and said surveyor general shall moreover be held guilty of misdemeanor in office for which he shall be liable to indictment in either the county or circuit court of the county, where his office is kept, and upon conviction shall be fined at the discretion of the court and be ever afterwards incapable of holding said office of surveyor general.

Land how  
to be paid  
for and fees  
of office.

*Sec. 4. Be it enacted,* That if no person shall appear to claim said land entered in said surveyor general's office within three months after the date of said entry, said surveyor general shall, as soon as may be thereafter, proceed to survey the same, and make thereof a fair plat, in which he shall specify the number and date of the entry by him surveyed, the scale of which plat shall also be mentioned, and a copy thereof shall be transcribed at full length in a book by him kept for that purpose, said surveyor general in surveying said entries, shall in no instance include in his survey a greater quantity of land than is called for in the entry; he shall also describe, and lay down in his plat all water courses, natural boundaries, the lines of adjoining tracts, which may be touched, and all the remarkable places near to or adjoining said survey, which plat so made shall within two months thereafter be returned to the Register of the land office for East Tennessee, who shall thereupon

Duty of surveyor prescribed.

issue a grant to the party entitled to the same in the following form, to wit:

The State of Tennessee.

Form of  
grant.

To all to whom these presents shall come, greeting. Know ye that in consideration of an entry made in the office of the surveyor general for the district of country south of French Broad and Holston and between the rivers big Pigeon and Tennessee No. \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ there is granted by the said state of Tennessee unto \_\_\_\_\_ and his heirs, a certain tract or parcel of land containing \_\_\_\_\_ acres lying in the county of \_\_\_\_\_ with in said surveyors district \_\_\_\_\_ (describing the bounds of the land) with the hereditaments and appurtenances, to have and to hold the said tract or parcel of land with its appurtenances to the said \_\_\_\_\_ and his heirs forever.

In witness whereof A. B. Governor of the state of Tennessee hath hereunto set his hand and caused the great seal of the state to be affixed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our lord \_\_\_\_\_ and of the Independance of the United States

E. F. Secretary.

A. B.

Duty of  
Register.

upon which grant the Register shall endorse that the party hath title to the same, and subscribe his name as Register thereto, which having been signed by the Governor and countersigned by the Secretary and sealed with great seal of the state shall be entered of record at full length by the said Register in well bound books to be provided by him for that purpose, and being so entered shall be certified by said Register to have been registered and then be delivered to the party or his order, said Register shall also file away and carefully preserve all plats made out and returned by said surveyor general to the office of said Register.

Surveyor  
to make re-  
turn to trea-  
surer every  
six months.

Sec. 5. *Be it enacted*, That the surveyor general of the aforesaid district at the end of six months after his office is opened, and regularly at the end of each and every six months thereafter, shall produce to the Treasurer of East Tennessee a statement in writing, verified on oath, containing the names of the enterers, the number of the entries, the quantity of land entered, and the county or counties in which said lands are situated, which statement shall be preserved and filed away by said Treasurer, said surveyor general shall also at the same time account for and pay over to the Treasurer all monies by him received for entries made during said six months in his office, but as compensation for his services in collecting and ta-

king care of said entry monies said surveyor general shall be allowed five per centum upon the sum collected and paid over to said Treasurer, and if said surveyor general shall fail, neglect, or refuse, to comply with the directions contained in this section it shall amount to a breach of the condition of his bond, and he shall be considered guilty of a misdemeanor in office, and be liable to indictment in either the county or circuit court.

*Sec. 6. Be it enacted,* That the surveyor general of said district, for the several duties imposed upon him by this act shall be entitled to the same fees now allowed by law to the surveyors in this state for similar services, and that the Register of the land office for East Tennessee, and the secretary of state shall be entitled to the same fees, now allowed by law.

*Sec. 7. Be it enacted,* That this act shall take effect and be in force, whenever the Governor of this state by proclamation shall give notice in the newspapers printed in Knoxville and Nashville that the Congress of the United States have passed a law giving assent to its several provisions.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 25, 1819.

#### CHAP. 55.

**AN ACT** amendatory of, and supplementary to an act passed at the present session of the General Assembly, entitled "an act making provision for the adjudication of North Carolina land claims, and for satisfying the same by an appropriation of the vacant soil south and west of the congressional reservation line, and for other purposes.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the drawing for the priority of location shall be at the court-house in the town of Nashville under the superintendence and direction of the commissioners for adjudication of land claims at ten o'clock in the morning of the first Wednesday in Nov. 1820, in the manner and form prescribed by the fourteenth and sixteenth sections of the above recited act.

Drawing  
for priority  
of entry  
where to be  
held & when

*Sec. 2. Be it enacted,* That it shall be the duty of

Manner of  
conducting  
the same,  
prescribed.

said commissioners to prescribe the form of a certificate and cause a number thereof to be printed at least equal to the whole number of claims adjudged valid, with a sufficient number of blanks which at or after the drawing shall be filled in writing; designating the number of location so drawn, the kind of claim, the quantity of acres it contains, and the name of the owners, which shall be signed by the President and attested by the clerk; and it shall be the duty of each principal surveyor at the time prescribed by the seventeenth section of said act, for opening his office, to receive entries agreeably to the number of the certificates so obtained from said board of Commissioners in manner and form prescribed by the said section of the act which this is intended to amend, provided that this act shall not be extended to the Surveyors' offices, north and east of the Congressional reservation line; but the offices north and east of said line shall nevertheless be opened on the same day with the offices for lands south of said line.

Warrants  
issued since  
the compact  
provided for

Sec. 3. *Be it enacted*, That it shall and may be lawful for any person or persons or the legal representatives or rightful assignees of such person or persons who may have obtained from the state of North Carolina any warrant or warrants since the time of taking the transcripts from the several offices under the act usually denominated the compact act, and which said warrant or warrants have been issued by the authority of the legislature of North Carolina, to receive a grant from this state for the quantity of land called for in said warrants respectively; the evidence of the validity of such warrants, may be a transcript taken from the records kept in the office of the secretary of state of North Carolina if procured; otherwise the next best evidence the nature of the case will admit.

Assent of  
Congress to  
be obtained.

Sec. 4. *Be it enacted*, That the foregoing section shall take effect and be in force, so soon as the Governor of this state shall by proclamation announce that the assent of the Congress of the United States, is obtained thereto.

Commissioners to Kentucky to run the boundary line if no adjustment is made.

Sec. 5. *Be it enacted*, That so much of the act to which this is supplemental, and intended to amend, as is contradictory to the meaning of this act be and the same is hereby repealed.

Sec. 6. *Be it enacted*, That it shall be the duty of the Commissioners, to be appointed under the provisions of an act passed at this General Assembly, entitled "an act to adjust the boundary line between this

state and the state of Kentucky," to apprise the Governor of this state of the result of their mission, and if it shall appear, that they have failed in arriving at an adjustment of the differences in any manner in that act recited, that it shall be the duty of the Governor forthwith to cause the northern boundary line of this state to be run out and plainly marked, from the east bank of the Cumberland river on Walker's line to the corner made by said Walker on the east bank of the river Mississippi; which line so run and marked, shall be the northern boundary of the 12th and 13th districts of the surveyors west of the river Tennessee.

**WHEREAS** General Griffith Rutherford in his lifetime entered and obtained a grant for 5,000 acres of land, lying within the lines and corners of a tract of 25,000 acres afterwards granted to General Nathaniel Greene; and whereas the heirs of said Rutherford have been dispossessed of said land by a suit in the Supreme Court of the United States, by the heirs of said Greene; and whereas said land was situate south and west of the Congressional line, and the said heirs of Rutherford have been prevented from obtaining a warrant for the same: and whereas there are two legal and equitable claimants to said grant of 5000 acres so lost; for remedy whereof:

Land warrant to issue to heirs of G. Rutherford.

**Sec. 7. Be it enacted,** That the commissioners in adjudging of the validity of land claims, if it shall appear to them that the same is valid, as prescribed by law, then and in that case said Commissioners shall issue to the rightful owners a duplicate in proportion to each of their claims for the full amount of said claim; provided the same shall not be in more than two duplicate warrants.

**Sec. 8. Be it enacted,** That in case any of the Commissioners to adjudicate land claims shall die or resign before the duties assigned to them shall be completed, then and in that case it shall and may be lawful for the Governor to fill such vacancy.

Vacancies in the land Commissioners to be filled by governor.

**Sec. 9. Be it enacted,** That in case any expences shall be incurred in running and marking the northern boundary line of this state or any expence in carrying into execution the provisions of the act to which this is a supplement, and which expences shall not be provided for by law, then it shall and may be lawful for the Governor to examine any accounts, and provide for the payment of such expences, and may

Expence of running line how to be paid.

draw on the Treasurer of West Tennessee therefor.

**JAMES FENTRESS,**  
Speaker of the House of Representatives;  
**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 27, 1819,

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**CHAP. 56.**

**AN ACT** to amend the law in certain cases.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the keeper of any Jail in this state, shall demand and receive thirty-seven and an half cents for every twenty-four hours, he provides good wholesome water and diet for each and every prisoner committed to his charge, and fifty cents for each turnkey, where the prisoner may be lawfully removed by any process whatever.

**JAMES FENTRESS,**  
Speaker of the House of Representatives.  
**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 17, 1819.

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**CHAP. 57.**

**AN ACT** supplemental to an act passed at Nashville October 13th, 1815 for the relief of such officers or persons as did proceed to press arms during the late war.

**WHEREAS**, sundry accounts have been taken and authenticated in the manner directed, in the act to which this is a supplement, which accounts have not been paid, for remedy whereof?

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee.* That on all accounts, which have heretofore been rendered, in conformity with the provisions of the act, to which this is a supplement, the Governor of this state is hereby authorised, and required to issue his order to the Treasurer of East or West Tennessee for the payment of said accounts, provided, however, that no account shall be allowed, or paid, in manner, by this act directed, if the same may have been allowed, or paid, by the government

of the United States; and the Governor is further required to make out the amount of each account filed pursuant to the act, to which this is a supplement, and issue his order to the Treasurer of East Tennessee for the payment thereof to the proper persons, and the receipt of the person, or persons, to whom, such account may be paid, shall be a sufficient voucher for said Treasurer in the settlement of his accounts.

Sec. 2. *Be it enacted*, That this act shall take effect, and be in force from and after the passing thereof.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 11, 1819.

CHAP. 58.

**AN ACT** making provision for the publication of a new edition of the laws of North Carolina and Tennessee.

**WHEREAS** it is represented to this General Assembly that the Honorable Edward Scott, of Knoxville, has compiled and proposes to publish a new edition of the laws of North Carolina, and Tennessee; and whereas, a resolution has been adopted at this session requesting the judges of the supreme court of errors and appeals to examine said work, and if in their opinion the work is executed with skill and ability, they are directed to subscribe in the name of the state for one hundred and fifty copies, therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if the judges of said court should subscribe for said work, they are directed to issue a warrant under their hands in favor of said Scott for one third part of the amount of said subscription, and which shall be paid by the Treasurer of East or West Tennessee, and shall be a good voucher in the settlement of his accounts, and on the completion of said work the Judges shall issue a warrant in like manner for the balance of said subscription. Judges to issue warrant for third of subscription

Sec. 2. *Be it enacted*, That when said work is published, one copy shall, at the expence of the state be deposited in the clerk's office of each and every court in this state for the use of the respective courts, and One copy to be deposited in every clerk's office in the state

on the resignation of any clerk, he shall within ten days thereafter deliver to his successor said book, and on failure shall forfeit and pay the sum of twenty-five dollars to be recovered in the name of the state before any tribunal having jurisdiction thereof.

Sec. 3. *Be it enacted*, That the residue of said copies shall be deposited in the office of the Secretary of state, and subject to the disposition of any future legislature.

**JAMES FENTRESS,**  
Speaker of the House of Representatives.

**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 27, 1819.

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CHAP. 50.

**AN ACT**, to dispose of the lands lying between the rivers Hiwassee and Tennessee, and north of little Tennessee river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said tract of country be laid off into one surveyors district, and shall be known by the name of the Hiwassee district, and that a surveyor general shall be appointed by joint ballot of both houses of the General Assembly, to hold his office during good behaviour, whose duty it shall be to engage a sufficient number of skillful surveyors as his deputies, and for whose conduct in all points touching his office the surveyor general shall be answerable, whom he shall cause without delay, to run out and survey the lands lately acquired by treaty from the Cherokee tribe of Indians, lying between the Hiwassee, big Tennessee and little Tennessee rivers, and north of little Tennessee, to which the Indian title has been extinguished, in the manner hereinafter directed, and who before he enters upon the execution of the duties of his office, shall, before some one of the Judges of the circuit courts of this state enter into bond in the sum of fifty thousand dollars, with five securities to be approved of by said Judge, to the Governor of this state for the time being and his successors in office, conditioned for true and faithful performance of the duties of his office, which bond shall be lodged by said Judge in the office of the secretary of state. And if said surveyor shall fail to comply with the conditions of said bond, the Governor for the time being is here-

Country to  
be laid off in  
to one sur-  
veyors dis-  
trict,

Surveyor  
general to  
give bond &  
security.

By directed to cause a suit to be brought on a copy of said bond, for the use of the state; and the Governor is hereby authorised and directed from time to time to assign a copy of said bond, to any person or persons, who may apply for the same, and who is hereby authorised to sue on such copy, and shall be entitled to recover any damages he, she, or they may sustain for a breach of the condition of said bond, and which bond shall not be void on the first recovery. He shall also take and subscribe before the said Judge the following oath, to wit: I A. B. do solemnly swear that I will faithfully and correctly perform the duties of my office of surveyor general according to the best of my skill and judgment, so help me God. The surveyor general shall have authority to administer the necessary oaths to his deputies upon their appointment, and to remove them for negligence or misconduct in office, and to form such regulations for their management as may be necessary, in addition to those hereinafter mentioned to carry the intention of this act into effect. The surveyor general is hereby required to make all surveys, directed by this act, by north and south lines run agreeably to the true meridian, and others crossing them at right angles; he shall establish a basis meridian extending due south from the mouth of Clinch river to the Hiwassee, the whole survey on each side of the basis meridian he shall run out into ranges of six miles in width extending north and south, the whole extent of said district, which shall be distinguished by progressive numbers east and west of said meridian, beginning with number one on each side of said line. He shall then divide the said ranges by lines running at right angles with said basis meridian into townships of six miles square, each numbered progressively from north to south; in running the basis meridian he shall establish on it corners for townships at the distance of every six miles, and corners for sections at the distance of each mile, and quarter section parts at the distance of each half mile. The corners of each township shall be marked with progressive numbers from the beginning. Each distance of a mile between the said corners shall be carefully and uniformly marked with marks different from those of the corners. The whole of said townships shall be subdivided into sections containing, as near as practicable, six hundred and forty acres each, by running through the same each way parallel lines, each at the distance of one mile, and by marking a corner on each of said

His oath.

Surveys  
how to be  
made.Base meri-  
dian to be  
established,  
and land sec-  
tioned.Townships  
how to be  
marked.

lines, at the end of every half mile. The sections shall be numbered respectively, beginning with the number one at the north east corner of the township, and proceeding west and east alternately through the township with progressive numbers until the thirty six shall be completed. And it shall be the duty of said surveyor to cause to be marked on a tree or post at each corner made as aforesaid and within the section, the number of said section, and over it the number of said township, within which said section may be, and carefully note in his field book the name of the corner thus marked and made; the fractional parts of townships whether at the north or south end of ranges or elsewhere shall be divided and numbered as is herein before directed in regard to entire townships, into quarter sections and should there remain fractions of quarters, the amount contained in them shall be ascertained and noted in the surveyors field books. All lines shall be plainly marked, and measured with chains containing two perches of sixteen and one half feet each, and said chain shall be adjusted by a standard to be kept for that purpose. The surveyor shall note in his field book the true situation of all mines, salt licks, mill seats, and springs of water which shall come to his knowledge, all water courses over which the lines he may run, shall pass, with the distance from the corner of the section, and also the quality of the land on each line with the distance it continues uniform. It shall be the duty of said surveyor to lay off and distinguish, not only on his general plan, but likewise on his maps of townships, the sixteenth section of every township for the use of schools, to be appropriated as hereafter directed, should said sixteenth section be unfit for cultivation, or be on reserved land, then he shall lay off the next nearest section, not similarly situated, and distinguish accordingly. And it shall also be the duty of said surveyor to mark and survey, the lands lying north and east of little Tennessee river, under similar rules, and regulations as are provided for the lands lying south and west of said river. And it shall further be the duty of said surveyor to lay down and distinctly mark, on his original plat, all the reserves specified and named in the treaty made between the Honorable J. C. Calhoun and a deputation of the Cherokee tribe of Indians at the City of Washington, which shall be prohibited from entry, sale or other appropriation, and shall be subject, to taxation in the same manner, that other lands in this state are now li-

schools and

Reserves to  
be specified

able thereto by law; also to lay down on his general plat the reserves named and specified in the treaty concluded by Major General Andrew Jackson and others with said tribe of Indians, and which were actually taken before the first day of July 1818 which shall not be sold until further provisions shall be hereafter made by law. The said field books shall be returned to be kept and preserved by said surveyor general, who shall cause a large and descriptive plat of the whole lands surveyed to be made out, and transmitted to the commissioners, who may be appointed to superintend the sales, and also cause one to be delivered to the Treasurer of East Tennessee, and one to the secretary of state, and one to the Register of East Tennessee, and also to have one in his own office, whose duty it shall be to keep the same exhibited in their offices for the inspection of all persons. He shall also cause a fair plat, of such township to be made out together with the sections and fractional part of sections contained in the bounds of said tract of country describing the subdivisions and marks of the corners, which plats shall be recorded in books to be kept for that purpose; and a copy of said plat shall be exhibited in the surveyors office; and at the place where said lands may be offered for sale, for the information and inspection of the people. The surveyor shall plainly mark the basis meridian and all township lines with a blaze and a chop above and below, on all fore and aft trees, and near side lines, and all sectional lines shall be plainly marked with two chops on all fore and aft trees and side lines.

Field books  
to be return-  
ed and to  
whom.

Sec. 2. *Be it enacted*, That it shall be the duty of the said surveyor general to cause the whole of the said lands to be surveyed, and the plats to be made out agreeably to the provisions of this act, within nine months from the first day of January, 1820, and the Governor shall, three months before the first Monday in November thereafter, make proclamation in all the newspapers of this state, the National Intelligencer, and a newspaper published at the seat of government in the adjoining states, that the sales of said lands will commence on the said first Monday of November at the town of Knoxville; also specifying therein the point of beginning as directed by this act.

time allow-  
ed surveyor  
to make sur-  
veys & plats

Governor  
make pro-  
clamation of  
day of sale

Sec. 3. *Be it enacted*, That there shall be three commissioners appointed by joint ballot of both houses of the General Assembly, whose duty it shall be to attend at the time and place mentioned in the Governor's proclamation, and superintend the sale of said

Commission-  
ers appoint-  
ed to super-  
intend sales

land; and in disposing of the same they shall be governed by the following regulations, to wit; the said commissioners shall first cause the fractional quarters, if any there be, of the most northern fractional sections of the first range west, to be offered for sale; which they shall then proceed to sell all the quarter sections in the most northern fractional township in said range, after which, they shall proceed to sell by quarter sections, offering first the north east quarter of the first section of the first township, then progressing west and east alternately until all the quarters contained in said section and township are disposed of; and then they shall commence with the lowest number of section in the next township south, and proceed in regular numerical order through the whole range; they shall then proceed to dispose of the lands in the second range west, and in the same order they shall proceed to dispose of all the lands west of said basis meridian. After disposing of the lands lying west of said meridian, they shall then proceed east of the same, disposing of it in the same manner until the sales are completed east of said line. They shall then proceed to sell the lands north and east of Little Tennessee, beginning in the same manner that is required to be done for the sales of the land on the south and west of said river.

Highest bidder the purchaser, who is to pay one fourth down

Treasurer to attend sales.

Purchasers failing to pay debarred bidding again.

Sec. 4. *Be it enacted*, That the highest bidder for any tract of land sold by virtue of this act, shall be purchaser, on his paying to the Treasurer of East Tennessee, who is hereby required to attend the sales for that purpose, the one fourth part of the sum so bid by said purchaser. Each tract of land so bid off shall be noted down by the Register, and Treasurer of East Tennessee in books to be by them kept for that purpose, together with the name of the purchaser, and the amount given, and the number of the quarter or fractional quarter, together with the township, and range, and section, in which it may be situated. Should the purchaser of any tract of land fail to pay the said fourth part of said purchase money before ten o'clock on the succeeding day, he shall be debarred from bidding again at said sale, and the default publicly proclaimed by the crier at said sales, and said land shall again be offered for sale. Upon the payment of the said one fourth part of the purchase money to the Treasurer, he shall execute to the purchaser a certificate, certifying therein the range, township and section in which the land purchased may be situated, and specifying therein the sum paid, the balance re-

maining unpaid, the time when such balance becomes payable, and that the amount paid becomes forfeited, if the balance is then not paid; but if it should be duly paid, the purchaser, or his assignee or legal representative, shall be entitled to a grant for said land, when the residue of said purchase money is paid, which certificate the Register shall countersign and record; and to perform the duties required in this act; it is hereby made the duty of the Register of East Tennessee to attend at the time and place of said sales.

Register of  
East Tenn.  
to attend &  
countersign  
treasurers  
certificates.

Sec. 5. *Be it enacted*, That the treasurer is hereby directed to receive from the purchaser at said public sales the amount of his, her, or their first payment or instalment in gold and silver, or the notes of such banks, as the commissioners by advertisement to be published in a newspaper printed in Knoxville, and one printed in Nashville, one month before the day of sale, shall declare to be receivable in payment.

What mo-  
ney is to be  
received.

Sec. 6. *Be it enacted*, That the commissioners appointed by this General Assembly, to superintend said sales shall have power and authority, and they are hereby required, to suspend said sales, provided they have satisfactory reasons to believe, that combinations are formed amongst purchasers attending said sales to buy said lands at an under value, or in any manner to speculate, to the injury of the state, and if said sales shall be suspended, by virtue of the power conferred on said commissioners, they are hereby directed to notify the Governor of the suspension by them ordered, who shall thereupon appoint some other suitable period for the further prosecution of said sales; observing however in giving notice of the said second sales the directions prescribed in the preceding sections of this act.

Commis-  
sioners autho-  
rised to sus-  
pend sales  
in certain  
cases.

Sec. 7. *Be it enacted*, That said commissioners, before the commencement of said sales, shall take an oath before some Judge or Justice of the Peace in this state, honestly, correctly, and impartially to discharge the duties required of them, to the best of their knowledge, skill and ability; and upon the death, resignation or removal of all or any of said commissioners, the Governor shall appoint other competent and well skilled persons to supply said vacancies; and the commissioners thus appointed, shall be subject to the same rules, and regulations, prescribed in this act for the direction of the commissioners appointed by this General Assembly.

Commis-  
sioners to act  
on oath.  
  
Governor to  
fill vacan-  
cies.

Sec. 8. *Be it enacted*, That no part of the residue

**Residue of purchase money not to be demanded in less than ten years.** of said purchase money shall be demanded until the expiration of ten years from the time of said sales; but the purchaser shall pay interest thereon in the following manner, to wit: at the end of two years from and after said sales interest shall commence and be annually paid, on one third of the residue of said purchase money; at the expiration of four years from and after said sales, interest shall commence and be annually paid on one other third of the residue of said purchase money; and at the end of six years from and after said sales, interest shall commence and be annually paid on the last third part of the residue of said purchase money; provided also that any person paying any part of said residue at or before the several periods, when interest thereon shall commence, shall have an abatement or deduction of the gross sum of ten per centum upon the amount so paid; and to secure the payment of both principal and interest due for lands sold at said sales, it is hereby enacted, that said monies shall be a lien upon said lands in the possession of the original purchasers, as well as every other person or persons, into whose hands or possession they may subsequently come.

**Purchaser of one person limited to 640 acres.** **Sec. 9. Be it enacted,** That no one person shall be permitted to purchase at said sales more than six hundred and forty acres of land for himself, and three hundred and twenty for each of his, or her, children. And to prevent any fraud, circumvention, collusion or evasion at said sales, it is hereby declared that if any person shall bid off a greater quantity of land than is specified and allowed in this act, the title to said land shall be null and void, and of no effect whatever, and the land so bid off, together with the money paid, shall be forfeited to the state, and be liable to be entered at a price, not less than that, for which it was bid off, under such rules and regulations as may hereafter be prescribed by law.

**None to be sold for less than two dollars per acre.** **Sec. 10. Be it enacted,** That no land sold by virtue of the provisions of this act at public vendue, shall be sold for a less price than two dollars per acre.

**Personal property liable for interest.** **Sec. 11. Be it enacted,** That if any portion of the interest should not be paid at the time specified in this act, it is hereby made the duty of the Treasurer to issue a process under his hand, stating therein the name of the defaulter, the quantity and situation of the land he purchased, and the amount of interest that may be in arrear, directed to the Sheriff of the county, where the land lies, commanding him to make the amount by levy and sale of the personal property of the

defaulter, and the Sheriff into whose hands said process may come is authorised and required to make the amount called for in said process out of the goods and chattels of said defaulter, with the further sum of fifty cents as fees for his services, and return the process to the Treasurer within three months from the time he receives the same, and on failure to return said process together with the money in the time herein pointed out, he shall be liable to be proceeded against in the court of the county or circuit wherein said sheriff may reside, in the same manner that sheriffs are now by law proceeded against for delinquency in failing to return executions issued from the court of the county, where he is sheriff; provided nevertheless, if said sheriff cannot find personal property of the defaulter in his county sufficient to make the amount of interest mentioned in said process, he shall make that return to the Treasurer in the time pointed out in this act, and said Treasurer shall proceed to sell the land of said defaulter, for the interest, in the manner he is directed to sell the lands of defaulters in case they fail in paying the principal; and if the principal due for lands sold in pursuance of the provisions of this act, shall not be punctually paid, said tract or tracts shall be advertised for sale by the Treasurer of East Tennessee, in some newspaper printed in Knoxville, at least thirty days before the day of sale, and he shall sell the same at public vendue, at the court-house in Knoxville, for a price not less than the whole arrears due thereon, with the expences of sale, and the surplus, if any, shall be returned to the original purchaser or his legal representative; provided also, that if any of the said lands be sold for either principal or interest the state shall be entitled to a lien for the residue of the monies due thereon into whosoever hands they may come, and upon the sale thereof the treasurer is hereby required to give a certificate for the same, in the manner directed for the lands sold at the public sales; but if the sum due as principal be not bid, then the land shall be bid off by said Treasurer for the benefit of the state; provided nevertheless, that any person or persons, who may become a purchaser, under any of the provisions of this act, may at any time pay the whole, or any part of the purchase money to said Treasurer, who is hereby directed to receive the same, and give a receipt in the manner prescribed in the preceding sections of this act.

Sec. 12. *Be it enacted*, That if in running out and surveying the lands directed by this act to be surveyed Mountains and inhabitable lands

to be section  
ed and sold  
in the same  
manner as  
other lands.

vayed, the surveyor discovers large bodies of moun-  
tains and uninhabitable land with small quantities of  
good land intersperced, it shall be his duty to lay off  
said land into sections, half sections, quarter sections,  
and half quarters, and make a plat thereof, and the  
said fractions shall be sold in the same manner, as o-  
ther lands, in this act, are directed to be sold.

¶ Possession  
how to be  
obtained.

Sec. 13. *Be it enacted*, That if any person or per-  
sons shall be in possession of any land, sold by virtue  
of the provisions of this act, it may be lawful for such  
purchaser, his or their heirs or representatives, to  
produce satisfactory evidence before any Judge of the  
circuit court either in term time or in recess of the  
courts, of his, her, or their being wrongfully kept out  
of the possession of the lands so purchased; said pur-  
chaser shall also produce to said Judge the certifi-  
cate signed by the Register and Treasurer of East  
Tennessee as evidence of his, her, or their right to said  
land. Upon the production of said proof, and said  
Judge being satisfied of its correctness he is hereby au-  
thorised and required to issue under his hand and seal  
an order to the sheriff of the county, in which said  
lands may be situated, and said sheriff shall forthwith  
proceed to put said purchaser into the peaceable pos-  
session of the lands so withheld.

Commission-  
ers' com-  
pensation.

Sec. 14. *Be it enacted*, That the commissioners ap-  
pointed to superintend the public sales by virtue of  
this act, shall receive five dollars each for every day  
whilst they may be necessarily employed in that bu-  
siness, and the same for every twenty five miles they  
may ride in going to, and returning from the place of  
sales, to be paid by either of the Treasurers of this  
state.

¶ Treasurer  
of East Ten-  
nessee to re-  
ceive one  
fifth pr cent

Sec. 15. *Be it enacted*, That the Treasurer of East  
Tennessee shall be entitled to one fifth per cent on all  
monies by him received under the provisions of this  
act, in full compensation for all services enjoined  
on him; and it is hereby made the duty of said Treas-  
urer before he enters upon the duties pointed out  
by this act he execute a bond in the sum of two  
hundred and fifty thousand dollars, with five securi-  
ties, to the Governor and his successors in office,  
conditioned, that he will well and truly discharge  
the duties required in this act, and account for all  
monies by him received; which bond shall be exe-  
cuted in the presence of one of the Judges of the  
circuit court of this state, who shall approve of  
the securities to said bond, and who is directed to  
 lodge the same in the office of the secretary of state.

**Sec. 16.** *Be it enacted,* That the Register of East Tennessee shall be entitled to the following fees, to wit, for recording and countersigning every certificate in a bound book to be kept for that purpose in the manner prescribed by this act, twenty-five cents, and for each grant one dollar, which fees shall be paid by the purchaser, and a reasonable allowance for books and stationery. Register's fees.

**Sec. 17.** *Be it enacted,* That the Surveyor General appointed under this act shall receive the sum of two dollars and fifty cents for every mile actually run and marked, in the manner prescribing the duties of said surveyors, in full compensation for all the services required of him in this act, to be paid out of the proceeds of the sale of said lands, by the Treasurer of East Tennessee. Surveyor General's fees.

**Sec. 18.** *Be it enacted,* That the Unicoy Turnpike Company shall continue to possess and enjoy all and singular the privileges yielded to them in their grant from the Cherokee tribe of Indians, and secured by the treaty of the twenty-seventh of February, one thousand eight hundred and nineteen, together with the use and occupation of two hundred and fifty acres of land convenient to the public house of entertainment on said road, now occupied by Major Henry Stephens, during the continuance of the grant for said road, for the purpose of supplying said tennement with necessary timber. Unicoy company to enjoy all the privileges allowed to them by the Cherokee treaty.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 15, 1819.

#### CHAP. 60.

**AN ACT** supplemental to an act passed at this session of the General Assembly, providing for the sale of the lands between the Tennessee and Hiwassee and north of Little Tennessee river.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the surveyor general of the district of Hiwassee shall be required to lay down and survey the Indian life estate reserves mentioned in the act, to which this is a supplement, so as to include in the centre of said reserves the improvements made and taken before the first day of July, 1818:

and if said surveyor general shall have doubts of the time, when said improvements were made, he shall have power to hear testimony on oath of witnesses to enable him to make a decision.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 30, 1819.

CHAP. 61.

**AN ACT to prevent fraud in the manufacturing and sale of flour.**

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all flour barrels made for the purpose of exportation shall be composed of good seasoned materials, and tightened with ten hoops sufficiently nailed with three nails in each chine hoop, and two in each upper bilge hoop. Each barrel shall contain 196 pounds of flour, the length of the stave shall be 28 inches and the diameter at each head of the barrel shall be 18 inches.

**Sec. 2.** *Be it enacted,* That every miller or boulder of flour where the flour is made or intended for exportation as aforesaid shall provide and use distinguishable brand marks and shall before the flour is removed impress on the head of each barrel, the name of the miller or boulder by whom the same may have been manufactured. He shall also on the same head mark the quality of flour contained in each particular barrel by branding thereon at full length the words "superfine" "fine" or "middling" as the case may be.

**Sec. 3.** *Be it enacted,* That if any person or persons shall export any flour as aforesaid without distinguishing with a brand the name of the miller or boulder by whom the same was manufactured, together with the proper quality of the flour so exported; or shall mix the flour with corn meal or any other ingredient whereby its value shall be impaired; or shall neglect any of the provisions required in the first section of this act, such person or persons for every such offence or neglect shall forfeit and pay the sum of ten dollars for each barrel to the use of him who will sue for the same. And if any person or persons whatsoever shall impress or brand the mark "superfine,"

"fine," or "midling," or the semblance thereof upon any barrel or cask of flour after the same has been removed from the mill or place where it was manufactured or bouted, or shall at any time or place impress or brand on any barrel or cask of flour the name of any other person than the proper name of the miller or bouter by whom the same was prepared or bouted, such person or persons shall for every such offence, be liable to indictment in any of the circuit courts of this state, and shall, upon conviction be imprisoned at the discretion of the court, not less than three, nor more than twenty days and shall moreover be fined in the sum of fifty dollars, one half to the use of him who will sue for the same, the other half to the use of the state.

Sec. 4. *Be it enacted*, That the forfeiture of ten dollars mentioned in the preceding section, shall be recoverable by warrant before any single Justice of the peace in this state; and this act shall be in force from and after the first day of April next.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 27, 1819.

CHAP. 62.

**AN ACT concerning Salt Licks and Springs.**

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the different surveyors appointed by this General Assembly, to ascertain within their respective districts south and west of the congressional reservation line, the different salt wells, springs and licks, of value on vacant and unappropriated land, and lay off and survey one thousand acres of land including such salt wells, licks and springs, as near the centre thereof as practicable, and make return of such surveys on or before the first day of July next, to the Governor of the state, who shall forthwith procure at the expense of the state, a sufficient number of good and valid land warrants and apply thereto, and cause a grant or grants to issue to the Secretary of state and his successors in office for the use and benefit of the state upon such surveys, and all and every entry, survey and grant hereafter made or obtained by any other

person upon lands thus surveyed, are hereby declared null and void, both in law and equity, and any surveyors who shall fail to perform the duties hereby enjoined, shall be deemed guilty of a misdemeanor in office, and be punishable accordingly, provided, however, that should it in any case be deemed inexpedient by the Governor to carry this act into effect in part or in whole he may omit to act thereon, but nevertheless, the lands thus surveyed, shall be reserved and not subject to appropriation in any other mode than is directed by this act.

**JAMES FENTRESS,**  
Speaker of the House of Representatives.  
**R. WEAKLEY,**  
Speaker of the Senate.

Nov. 26, 1819.

CHAP. 63.

**AN ACT** more effectually to prevent obstructions to the navigation of the rivers in this state.

Penalty on  
persons ob-  
structing  
navigable  
streams.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the first day of January next, if any person or persons shall fell or cause to be felled any tree so that any part thereof fall below the top of the bank of any river or other stream declared navigable by any existing law of this state; except the river Cumberland and so much of the river Tennessee as runs through West Tennessee, in which the forfeiture shall apply in cases only, where the timber is fallen so as to obstruct, or injure navigation, or creating or procuring to be created, any other obstruction in such river or other stream below the highest points to which it is declared navigable; except removed in ten days, provided nevertheless, that cutting and floating the timber into the water shall not be considered a removal of such obstructions; the person or persons so offending shall be considered as having committed a misdemeanor, and shall be liable to an indictment or presentment in the county court of the county where such offence may have been committed, and on conviction, shall be fined in a sum not less than ten nor greater than fifty dollars.

**Attorney General** authorized to or other person prosecuting the pleas of the state, are hereby authorized and empowered to prefer bills of

indictment *ex officio*, against any person or persons of indictment who may violate the provisions of the first section of *ex officio*, against persons so offending. this act—and upon conviction on any such bill of indictment the said Attorney General or other person prosecuting the pleas of the state shall be entitled to a tax fee of ten dollars.

Sec. 3. *Be it enacted*, That nothing herein contained shall be so construed, as to effect, any law heretofore passed authorising *qui tam* actions to be brought against any person or persons obstructing the navigation of the rivers in this state in the manner pointed out in the first section of this act. This act not to effect *qui tam* actions.

Sec. 4. *Be it enacted*, That if any person or persons shall after the first day of January next obstruct the navigation of the main channel of any navigable river or other stream in this state by building mills, erecting dams or locks, otherwise than such as have heretofore been authorised by law, or may hereafter be authorised, in or across the same, or by any other means, whatever except such as are pointed out in the first section of this act, such person or persons so offending shall forfeit and pay the sum of two hundred and fifty dollars one half to the use of the person, who may sue for the same, and the other half to the use of the state, and the person suing shall have his election to bring or institute such suit, in the county or circuit court of the county in which such offence may have been committed. No mill or other obstruction to be built unless authorised by law.

Sec. 5. *Be it further enacted*. That if any person or persons who may have heretofore erected, in or across the main channel of any navigable river or other stream, any dam, slope or locke, otherwise than such as may have been heretofore authorised by law or may hereafter be authorised to be built, and shall permit the same to be and remain in or across such navigable river or other stream, for a longer period, than six months after the first day of January next such person or persons so offending shall forfeit and pay the sum of two thousand dollars one half to the person who may sue for the same and the other half to the use of the state, either in the county or circuit court of the county, where such offence may be committed. Forfeiture.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 24, 1819.

**AN ACT** to tax wholesale merchants and dealers; **WHEREAS** it has been represented to this General Assembly, that there are numerous merchants, or traders that dispose of large quantities of goods by the piece, package, barrel, box, &c. and that the revenue laws, taxing retailers do not embrace them, they being whole sale dealers; for remedy whereof:

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee.* That from and after the passing of this act, all such dealers in any kind of Merchandize as before described, whether he open a trading house, or sell and deal at his waggon, boat, craft, or otherwise, shall before he offers any goods, wares, or merchandize for sale, by the piece, package, box, barrel, or in any wholesale or retail manner whatever; pay to the clerk of the county court, the sum of fifty dollars, for a licence to dispose of his goods, and also seventy five cents for the fee of such clerk; and the said clerk shall issue to such applicant a licence to dispose of his merchandize as aforesaid in said county for one year and no longer; provided that nothing herein contained, shall be so construed as to extend to traders in salt and iron, or other articles manufactured in this state; provided that nothing in this act shall be construed so as to impose a double tax on such merchants and dealers as may sell by wholesale and retail.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 24, 1819.

**AN ACT** to compel Rangers to return lists of strays to the county Trustees, and for other purposes.

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Ranger in each county in this state to make out under his hand and seal, once in every three months at least a list of all strays listed on his books, in which he shall recite the kind of stray, or strays the name of the person who has taken up the same, with the amount of the appraised value thereof which list of strays shall

be delivered by the Ranger of each county to the Trustee thereof on or before the first day of the setting of each county court in each year.

Sec. 2. *Be it enacted*, That in all cases hereafter Probate to where any stray or strays, shall be proven away from be returned the taker up, it shall be his duty to return such pro- to Ranger n- bate to the Ranger or Trustee in fifteen days thereof- fifteen days; ter; and if such probate be returned to the Ranger it shall be his duty to certify the same to the Trustee of his county without delay.

Sec. 3. *Be it enacted*, That it shall be the duty of County trustee to attend each county Trustee in this state to attend the first day of the term of each county court of his county for the purpose of receiving all sums which may be due from any person to his county for any stray or strays taken up and all money due to the county for any stray or strays shall be paid to the county Trustee and no other person; who shall account for the same as other county money; provided nothing in this act contained shall be so construed to prevent any Ranger from prosecuting any person for a violation or breach of the stray law, in the same manner as tho' this act had not been passed.

Sec. 4. *Be it enacted*, That if any Ranger or county Trustee shall refuse or neglect to comply with the provisions of this act, without good cause be shewn for such refusal or neglect, it shall be viewed as a misdemeanor in office, and he may be indicted in the circuit or county court of his county and on conviction fined at the discretion of the court in any sum not exceeding fifty dollars and moreover be removed from office. Penalty on refusal to comply with this act.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

Nov. 15, 1819.

#### CHAP. 66.

**AN ACT** making provision for surveying the school lands within the state of Tennessee, and for the issuance of grants thereon.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of each principal surveyor of the first, second, third, fourth

fifth and sixth districts within this state, to make out a fair and correct plat and certificate of survey of each and every tract of land, laid down upon the general plan of their respective districts, and which may have been reserved by law for the use of schools for the instruction of children, which said certificate and plat shall be recorded in the office of said surveyor, and the original transmitted to the Register of the land office of East or West Tennessee as the case may be.

**Sec. 2.** *Be it enacted,* That it shall be the duty of the Registers aforesaid, upon the return of the plats and certificates aforesaid, to make out and issue grants upon the same in form, and agreeably to the provisions of the ninth section of an act passed at Knoxville the 24th of Nov 1817 entitled "an act to provide for leasing school lands and for other purposes," which said grants shall be filed in the office of the secretary of state.

**Sec. 3.** *Be it enacted,* That the surveyors, Registers and secretary may make out and state their accounts respectively and demand and receive of either of the Treasurers of this state the same fees as are by law allowed in similar cases, and the said account, so stated, shall be a sufficient voucher in the hands of the Treasurer in the settlement of his accounts.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 27, 1819.

#### CHAP. 67.

**AN ACT** to adjust the boundary line between this state and the state of Kentucky.

**WHEREAS** doubts have arisen as to the true line of boundary between this state and the state of Kentucky; for remedy whereof, and to preserve those friendly relations that ought to subsist between said states:

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That two persons be appointed by joint ballot of both branches of this Legislature to attend the next ensuing Legislature of the state of Kentucky, as commissioners on the part of this state, for the purpose aforesaid, and the said persons are hereby authorised and empowered, to confer and agree

with the Legislature of Kentucky, or with such persons as they may appoint, as to what shall hereafter be considered the line of boundary and separation between the said states.

Sec. 2. *Be it enacted*, That whatever may be agreed on by the persons hereby empowered on the part of this state, shall be as valid and binding, as the same had been agreed to by the General Assembly of this state, and shall, upon the ratification of the same by the Legislature of Kentucky, forever thereafter, be considered and held the true line of boundary and separation between said states of Tennessee and Kentucky.

Sec. 3. *Be it enacted* That if said persons so as aforesaid empowered, cannot arrive at any certain and positive agreement, in relation to said line, and at an adjustment of every doubt and difficulty incident thereto, they are hereby authorised and empowered to adopt any mode of adjustment which to them may appear right and proper.

Sec. 4. *Be it enacted*, That the state of Tennessee will not, until an adjustment can be had, permit any location or entries to be made north of a line run during the present year by commissioners on the part of Kentucky west of Tennessee river, nor in any manner perfect titles thereto; provided always, that the state of Kentucky, will by law enact, that no location or entry, shall be made south of where Walkers line would run, if extended west of said river Tennessee to the Mississippi, where the latitude was marked by the commissioners formerly appointed by the state of Virginia, and that she will in no wise perfect any title or titles south of said line.

Sec. 5. *Be it enacted*, That the fourth section of this act shall take effect and be in force, so soon as the Governor of this state shall be advised by the Governor of Kentucky that by said state, a similar law has been enacted.

Sec. 6. *Be it enacted*, That each of the commissioner by this act directed to be appointed, shall be entitled to receive the sum of seven dollars for each day he may be necessarily engaged in the duties of his appointment, and the same sum for every twenty five he shall travel, to be paid by either of the Treasurers of this state, upon a statement of his account.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 23, 1819.

**AN ACT, to revise and amend the militia laws of the state of Tennessee.**

**Who shall compose the militia.** Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all free men, and indented servants, between the age of eighteen and forty-five years, shall compose the militia of this state, judges of the supreme courts, circuit courts, and courts of equity, Secretary of State, Treasurers, Attorney Generals, regular ordained ministers of the gospel of every denomination, public ferry men, justices of the peace, post officers who have the care of the United States mail, and all carriers of the mail, are exempt from military duty, except in case of insurrection or invasion.

**Number of regiments & time of regimental muster.** Sec. 2. *Be it enacted,* That the militia of this state shall be divided and designated as follows, to wit: the militia of the county of Washington shall compose the first regiment; and hold a regimental muster on the first Thursday in the month of October; the militia of Sullivan county shall compose the second regiment, and hold a regimental muster on the second Thursday in the month of October; the militia of the county of Greene shall compose the third regiment, and shall hold a regimental muster on the third Thursday in the month of October; the militia of the county of Hawkins, shall compose the fourth regiment, and shall hold a regimental muster on the fourth Saturday in the month of October; the militia of Carter county shall compose the fifth regiment, and shall hold separate regimental musters on the last Thursday and Saturday in September, which said regiments shall constitute the first brigade; the militia of the county of Jefferson shall compose the sixth regiment, and shall hold a regimental muster on the first Thursday in the month of October; the militia of Grainger county shall compose the seventh regiment, and hold a regimental muster on the second Saturday in the month of October; the militia of Cocke county shall compose the eighth regiment, and shall hold a regimental muster on the third Saturday in October; the militia of the county of Claiborne shall compose the ninth regiment, and shall hold a regimental muster on the second Thursday in the month of October; which said regiments shall constitute the second brigade; the militia of the county of Knox, shall compose the tenth and fortieth regiments, and shall hold their regimental musters, to wit; the tenth on the last Friday in

September, and the fortieth on the first Friday in October; the militia of Sevier county shall compose the eleventh regiment and shall hold a regimental muster on the second Saturday in October; the militia of the county of Blount shall compose the twelfth regiment, and shall hold a regimental muster on the third Thursday of October; the militia of the county of Campbell shall compose the thirty-third regiment, and shall hold a regimental muster on the fourth Saturday of October, which said regiments shall constitute the third brigade; the militia of the county of Anderson shall compose the thirteenth regiment, and hold a regimental muster on the third Thursday of October; the militia of the county of Roane shall compose the fourteenth regiment, and hold a regimental muster on the fourth Thursday of September; the militia of the county of Rhea shall compose the thirtieth regiment and hold a regimental muster on the first Saturday of October; the militia of the county of Bledsoe shall compose the thirty first regiment, and hold a regimental muster on the second Friday of October; the militia of the county of Marion shall compose the sixtieth regiment, and hold a regimental muster on the third Friday of October; the militia of the county of Hamilton shall compose the sixty-fourth regiment, and hold a regimental muster on the fourth Saturday of October; the militia of the county of M'Minn shall constitute the sixty-sixth regiment, and shall hold a regimental muster on the first Saturday of November; the militia of the county of Monroe shall compose the sixty-seventh regiment, and shall hold a regimental muster on the second Saturday of November; the militia of the county of Morgan shall compose the fifty-eighth regiment, and hold a regimental muster on the fourth Thursday of October; which regiments shall constitute the seventh brigade, which said brigades shall constitute the first division. The militia of the county of Sumner shall compose the fifteenth and forty-third regiments, the fifteenth regiment shall hold a regimental muster on the second Saturday of September, and the forty-third regiment shall hold a regimental muster on the third Saturday of September; the militia of the county of Smith shall compose the sixteenth, forty-first, and fifty-ninth regiments; the sixteenth regiment shall hold a regimental muster on the fourth Thursday in September, and the forty-first shall hold a regimental muster on the first Thursday of October, and the fifty ninth on the second Thursday of October; the militia of the county of Wilson

First division

What re-  
giments to  
form what  
brigades.

shall compose the seventeenth and forty-second regiments; the seventeenth shall hold a regimental muster the third Saturday of October, and the forty-second on the fourth Saturday of October, which regiments shall constitute the fourth brigade. The militia of the county of Maury shall compose the twenty-seventh, forty-sixth and fifty-first regiments, the twenty-seventh shall hold a regimental muster on the second Saturday in September, the forty-sixth on the third Saturday in September, and the fifty-first on the fourth Saturday of September; the militia of the county of Giles shall compose the thirty-seventh and fifty-second regiments, the thirty-seventh shall hold a regimental muster on the first Saturday of October, and the fifty-second on second Saturday of October; the militia of the county of Lawrence shall compose the fifty-seventh regiment, and hold a regimental muster on the third Saturday of October; which said regiments shall compose the fifth brigade. The militia of the county of Robertson shall compose the twenty-third and sixty-second regiments, the twenty-third regiment shall hold a regimental muster on the first Saturday in September, and the sixty-second regiment shall hold a regimental muster on the second Saturday in September; the militia of the county of Hickman shall compose the thirty-sixth regiment, and hold a regimental muster on the third Saturday of September; the militia of the county of Montgomery, shall compose the twenty-fourth and fiftieth regiments, the twenty-fourth regiment shall hold a regimental muster on the fourth Friday of September, and the fiftieth regiment shall hold a regimental muster on the first Friday of October; the militia of the county of Dixon shall compose the twenty-fifth regiment, and hold a regimental muster on the second Saturday of October; the militia of Stuart county shall compose the twenty-sixth regiment, and hold a regimental muster on the third Friday of October; the militia of the county of Humphreys shall compose the thirty-eighth regiment, and hold a regimental muster on the fourth Friday of October, which said regiments shall constitute the sixth brigade. The militia of the county of Wayne shall compose the sixty-eighth regiment, and hold a regimental muster on the first Saturday in November, which said regiment shall be attached to the sixth brigade. The militia of the county of Jackson shall compose the eighteenth and forty-eighth regiments; the eighteenth shall hold a regimental muster on the first Thursday of September, and the

forty-eighth on the second thursday of September; the militia of the county of Overton shall compose the thirty-fifth regiment, and hold a regimental muster on the third saturday of September; the militia of the county of White shall compose the thirty-fourth regiment, and hold a regimental muster on the fourth saturday of September; and should any militia officer in White county be commissioned in the thirty-sixth regiment, or any other, he shall hold his commission, and do and perform the duties enjoined on him, in the same manner as though he was commissioned for the thirty-fourth regiment; the militia of the county of Warren shall compose the twenty-ninth and fifty-fifth regiments, the twenty-ninth regiment shall hold a regimental muster on the first saturday of October, and the fifty-fifth regiment on the second saturday of October; the militia of the county of Franklin shall compose the thirty-second and fifty-sixth regiments, the thirty-second regiment shall hold a regimental muster on the third saturday in October, and the fifty-sixth regiment on the fourth saturday in October, which said regiments shall compose the eighth brigade. The militia of the county of Davidson shall compose the nineteenth and twentieth regiments, the nineteenth regiment shall hold a regimental muster on the second saturday of September, and the twentieth regiment shall hold a regimental on the third saturday in the month of September; the militia of the county of Williamson shall compose the twenty-first and forty-fourth regiments, the twenty-first regiment shall hold a regimental muster on the fourth thursday of September, and the forty-fourth on the first thursday in the month of October; the militia of the county of Rutherford shall compose the twenty-second, forty-fifth and fifty-third regiments, the twenty-second regiment shall hold a regimental muster on the second thursday of October, the forty-fifth on the third thursday of October, and the fifty-third on the fourth thursday of October; which said regiments shall constitute the ninth brigade. The militia of the county of Bedford shall compose the twenty-eighth, forty-seventh and fifty-fourth regiments, the twenty-eighth regiment shall hold a regimental muster on the fourth thursday of September, the forty-seventh on the third thursday of October, and the fifty-fourth on the fourth thursday of October; the militia of Lincoln county shall compose the thirty-ninth, forty-ninth and sixty-third regiments; the thirty-ninth regiment shall hold a regimental muster

Second division.

on the third friday of October, and the forty-ninth on the fourth friday of October, and the sixty-third regiment on the first friday of November; which said regiments shall constitute the tenth brigade; which said brigades shall constitute the second division. Any regiment that is not numbered by the provisions of this act, it shall be the duty of the commanding officer of said regiment to notify the Governor that said regiment is not numbered, whose duty it shall be to number said regiment, and direct on what day said regiment shall muster.

Governor to appoint one adjutant and quarter master general.

Sec. 3. *Be it enacted*, That the Governor for the time being shall be commander in chief of the militia of this state, who shall appoint one adjutant and quarter master general, who shall rank as lieutenant colonels. Each division shall be commanded by one major general, who shall appoint his aidcamps, one assistant adjutant, and quarter master general, who shall rank as majors; each brigade by one brigadier general, who shall appoint his aidcamp, one brigade major and one brigade quarter master, who shall rank as captains; each regiment by one lieutenant colonel one first, and one second major. The colonel shall appoint one adjutant, and one quarter master, one surgeon, one sergeant major, one drum and one fife major. Each company shall be commanded by one captain, one lieutenant, and one ensign, with three sergeants and three corporals, who shall be elected by those citizens who compose said company, and the captain shall appoint two musicians to said company.

Captains &c. to be elected by persons subject to military duty.

Sec. 4. *Be it enacted*, That captains, subalterns, and non commissioned officers shall be elected by those citizens in their respective districts, who are subject to militia duty; all field officers of the infantry shall be elected by those citizens within their respective regiments, who are subject to militia duty. Brigadier generals shall be elected by the field officers of their respective brigades—major generals shall be elected by the brigadiers and field officers of their respective divisions, and that it shall not be lawful for any officer to vote at an election for the same appointment where he is a candidate.

Four company musters in each year required

Sec. 5. *Be it enacted*, That there shall be four company musters in each year, one the Saturday immediately preceding each regimental, and battalion muster, and two at such other times as may be appointed by the commanding officers of their respective companies; where every commissioned officer,

non commissioned officer, musician and private shall attend armed and be equipped according to law.

Sec. 6. *Be it enacted*, That there shall be a battalion muster in each battalion in the month of April in each year, the first battalion in each regiment shall hold its muster on the first Friday, and second battalion on the second Friday in said month. at such place in the county, as a majority of the officers shall direct; where every officer, non-commissioned officer, musician and private, shall attend armed and equipped according to law.

Sec. 7. *Be it enacted*, That each company officer and private of the infantry shall be armed and equipped in the following manner, to wit; each commissioned officer with side arms, and each non commissioned officer and private with a good rifle, pouch, and powder horn, or musket and cartridge box in good condition; and every officer, non commissioned officer, musician and private shall attend at their respective muster grounds, and answer to his name by eleven o'clock A. M. on the day appointed for regimental, battalion and company musters, and at the several musters herein directed to be held, the troops shall be exercised at least two hours, with such interval as the officer may direct, not exceeding fifteen minutes each, in each day, and agreeable to Duane's hand book for infantry, or such other system, as may be adopted by the United States infantry; at which time and place the rolls shall be called at such muster, and the delinquents noted by order of the commandants of regiments, battalions, and companies, both as to absence, arms and accoutrements.

Sec. 8. *Be it enacted*, That the commissioned officers of the several regiments of infantry in this state shall meet at the place of holding their regimental musters at eleven o'clock on the day immediately preceding the regimental musters, armed with a good rifle, or smooth bored gun, and dressed in the uniform prescribed by this act, for the purpose of being trained and instructed in their duty by the adjutant of the regiment or such other person, as the commanding officer present may direct; and the senior officer present shall call the roll, or order the adjutant to call the roll, and note down all delinquents and make report thereof to the next regimental or battalion court martial, as the case may be.

Sec. 10. *Be it enacted*, That there shall be one Judge advocate and one provost martial appointed by the commanding officers of each regiment.

Manner in which officers and privates are to be equipped

Commissioned officers to meet.

Appointments to be made.

Oath.

Sec. 11. *Be it enacted*, That before the Judge advocate shall proceed to any of the duties of his office, he shall take an oath to support the constitution of the United States and of the state of Tennessee, and also the following oath, I A. B. do solemnly swear, that I will well and truly perform the duties of Judge advocate to this regiment in all things according to law and the best of my ability, so help me God, and shall give bond and security in the sum of five hundred dollars, payable to the colonel commandant and his successors in office of the regiment, conditioned for the faithful performance of the duties herein required of him, and the said bond shall not be void upon the first recovery.

Judge Advocate's duty

Sec. 12. *Be it enacted*, That each Judge Advocate shall hold his office during good behaviour, whose duty it shall be to provide a good bound book, (to be paid for out of any money in the hands of the Judge Advocate not otherwise appropriated) in which he shall state from time to time the proceedings of the several courts martial, (viz.) regimental, battalion, and courts martial for the trial of officers, and all other entries for the regiment, and for his services shall be allowed the sum of one dollar and fifty cents per day for attending regimental, battalion, or called court martials, to be paid out of the fines arising by virtue of this act: provided also, in case of death, resignation, or removal out of county or office. The journal and proceedings shall be kept by the Colonel or commanding officer until a Judge Advocate be appointed in room and stead of him so dead, removed, resigned, or refusing to act, or removed out of office.

Proper age to be excluded from militia duty.

Sec. 13. *Be it enacted*, That it shall be lawful for the commandants of companies to discharge any person from militia duty upon his producing an affidavit from some justice of the peace within the county, that he believes he is forty-five years of age; the residence of every militia man in this state shall be considered to be at the place, where he has his lodging.

Non-commissioned officers to serve three years.

Sec. 14. *Be it enacted*, That non-commissioned officers, when elected, shall serve three years unless permitted to resign by a majority of the company officers, and it shall be the duty of the Captains annually to furnish the sergeant major of the battalion wherein he resides, with a list of the names of the sergeants and corporals of his company, which shall be done on or before the battalion muster, and such sergeant major shall keep a roster thereof by which a detail of their duty shall be regulated.

**Sec. 15.** *Be it enacted,* That the commandants of companies, shall make their annual company returns on or before the battalion musters in each and every year agreeable to forms hereto annexed, in which shall be expressed the military strength, arms, &c. and deliver the same to the adjutant or commandant of the battalion. Commandants of companies to make returns.

**Sec. 16.** *Be it enacted,* That commandants of regiments shall cause their Adjutants to make out from the company returns on or before the first day of May in each year two regimental returns agreeable to forms hereafter prescribed, and lay the same before the commandant of the regiment for his examination, and it shall be the duty of the said commandants, after signing said returns, to cause their Adjutants to forward one of said returns to the brigade Major on or before the fifteenth day of May in each and every year, and the other shall be kept by said commandants for the use of the regiment. Adjutants duty.

**Sec. 17.** *Be it enacted,* That it shall be the duty of the brigade Majors to make out from the regimental returns two brigade returns on or before the first day of July in each year agreeable to forms hereto annexed, and lay the same before the Brigadier General for his examination; and it shall be the duty of the Brigadier General, after signing said returns to forward one of said returns to the Assistant Adjutant General on or before the first day of August in each and every year. Duty of brigade majors

**Sec. 18.** *Be it enacted,* That it shall be the duty of the Major Generals to cause their Assistant Adjutant Generals to make out from the brigade returns two forms of Division returns agreeable to forms hereto annexed, and lay the same before him on or before the first day of September in each year for his examination and signature, one of which the Assistant Adjutant General shall forward to the Adjutant General's office on or before the fifteenth of September in each year. And it shall be the duty of Adjutants of regiments, brigade Majors, Assistant Adjutants General, where any officer shall refuse or neglect to make return as by this act required, to give notice thereof to his commanding officer of his regiment, brigade or division as the case may be, whose duty it shall be to order a court of enquiry within fifteen days, if for the trial of a captain or regimental staff, if field, brigade, or division officers or staff, within thirty days; and it shall be the duty of the officer ordering said court, to give to the officer or off- Assistant Adjutant Generals duty.

cers failing as aforesaid at least fifteen days notice of the time and place of such court, and a copy of the charge or charges in writing, exhibited against him, and said officers so charged, unless good cause shewn to the satisfaction of said court, shall be fined in a sum hereafter directed, subject notwithstanding to appeal as in other cases.

Fines to be  
inflicted.

Sec. 19. *Be it enacted*, That the fines inflicted under this act, shall be as follows, without a reasonable excuse, on a Major General or division staff for failing to perform any of the duties enjoined on them by this act, a sum not less than twenty-five, nor more than one hundred dollars; on a Brigadier General or brigade staff for failing to perform any of the duties enjoined on them by virtue of this act, a sum not less than twenty-five nor more than one hundred dollars; on a field officer, or regimental staff for failing to perform any of the duties enjoined on them by virtue of this act, a sum not less than fifteen nor more than fifty dollars; on a captain or subaltern officer for failing to perform any of the duties enjoined on them by this act, a sum not less than five nor more than twenty dollars; on a non-commissioned officer, musician, or private for failing to perform any of the duties enjoined on them by virtue of this act at company musters a sum not less than fifty cents, nor more than two dollars; and at battalion and regimental musters a sum not less than one, and not more than five dollars; provided in all cases, where the fine to be assessed on any person for not bearing of arms, in that case the courts martial are vested with a discretionary power.

Any person  
misbehav-  
ing on par-  
ade to be  
confined.

Sec. 20: *Be it enacted*, That if any non commissioned officer or private shall behave himself disobediently or mutinously, when on duty or parade, or before any court directed by this act, the commanding officers or said court may confine him during said parade or during the sitting of said court, and he may be fined by a court martial in any sum not under five nor more than ten dollars, to be collected as other fines under this act; and if any by stander shall attempt to molest or insult any officer or soldier while on duty, or shall be guilty of like conduct before any court, the commanding officer on such court may inflict similar punishment on any person or persons so offending:

Duty of com-  
manding of-  
ficers of com-  
panies.

Sec. 21. *Be it enacted* That it shall be the duty of the commanding officers of companies to make out a fair roster of his company placing all those who have not served a tour of duty on the lowest number,

and when a detail is made on the company, the captain shall draft the number required, from the whole, who have not served a tour of duty ; and when any person shall arrive at the age of eighteen years, it shall be the duty of the captain to give such person at least three days notice of the time and place of holding his next muster, who shall be enroled in the first or second class, to be determined by lot ; and when any person shall move into the bounds of a company he shall within ten days, if a citizen of this state, if a citizen of another state, within thirty days, produce a certificate from the captain in the bounds he formerly belonged, shewing whether he had served a tour of duty or not, and in case he shall fail to produce such certificate, the officer shall place him first for service.

Sec. 22. *Be it enacted*, That it shall be the duty of the field officers of each regiment to settle with the Judge advocate at least once in every year, which settlement signed by themselves shall be recorded in the Judge advocate's book ; the money collected, and funded in the hands of the Judge advocate, shall be drawn by order of a regimental court martial for the following purposes, to wit: for the purchase of regimental and battalion standards, drums, fises, &c. and for furnishing each company with a drum, fife and standard, all which orders shall be filed and preserved by the Judge advocate as vouchers in his annual settlement ; provided that the Judge advocate shall retain in his hands six per cent as a commission to be deducted out of all monies so paid out.

Field officers to settle once a year with Judge Advocate.

Sec. 23. *Be it enacted*, That it shall be the duty of the drum and fife major to attend the regimental and battalion musters, and the drill parades in the regiment, and shall be allowed the sum of one dollar per day, out of any money in the hands of the Judge advocate not otherwise appropriated.

Drum and fife majors to attend musters.

Sec. 24. *Be it enacted*, That it shall be the duty of the adjutant of each regiment to attend the several regimental and battalion musters, and the drill parades, and there attend to his duties as heretofore directed, for which services he shall receive the sum of one dollar and fifty cents per day, out of any money in the hands of the Judge advocate not otherwise appropriated.

Adjutant's duty.

Sec. 25. *Be it enacted*, That it shall be the duty of the commandants of regiments and battalions to exercise their regiments and battalions on their muster days and when they may be present at any company muster,

Duty of the commandants of regiments,

they may superintend their exercise, if they think proper.

Duty of lieutenants and ensigns.

**Sec. 26.** *Be it enacted,* That it shall be the duty of the Lieutenants and Ensigns to assist in the exercise and discipline of their companies, and report every default and disobedience in the government and exercise thereof. All officers of every grade shall implicitly obey the orders of their superiors, and in case of absence, death or inability of any officer the next in rank shall take command, and discharge all the duties required by this act of his superior, during such vacancy, absence, or inability.

Time and place of holding court martials.

**Sec. 27.** *Be it enacted,* That each regiment shall hold a court martial on the fourth thursday of November, and the succeeding days if necessary, annually, at the place of holding regimental muster, to consist of at least seven members. The officer highest in grade shall be President of said court, if of the grade of field officer, and if there be no field officer present the senior captain present shall preside, and the court shall be sworn to do their duty, by the Judge Advocate of the regiment. The court thus convened, and

Powers of the court.

sworn, shall have power to enquire into the age and abilities of all persons brought before them, and exempt such as may be judged incapable of duty, and to receive all returns of delinquents made by officers, and to hear and determine all neglects or omissions of duty, as well by officers as by privates, to hear and determine on all appeals, which may be taken by officers, non-commissioned officers or privates, who may think themselves aggrieved by any sentence or decree of their battalion or company court-martial, and order and dispose of all fines and forfeitures arising under this act, unless otherwise disbursed by law. It shall be the duty of all officers to attend their respective regimental and battalion courts martial. Each battalion shall hold a court martial at the place of holding their battalion musters—the first battalion shall hold its court martial on the first thursday in June, and the second battalion shall hold a court martial on the second thursday of June annually, which court shall consist of at least five members; the major commanding the battalion shall attend and preside in said court, and in case of failure the senior officer present shall preside in said court martial, and at which courts-martial the Judge Advocate of the regiment shall attend, and said courts shall be conducted by the same rules, regulations and restrictions as regimental court martials, reserving to any person or

persons, who may think themselves agrieved by any sentence or decree of such court martial the right of appeal to the next regimental court martial; and in case of any such appeal it shall be the duty of the Judge Advocate to carry up the same to the succeeding regimental court martial, provided said appeal is made within thirty days after the rise of said court-martial, whose duty it shall be to determine on all such appeals agreeably to law and the nature of the case. The commissioned officers of companies or any two of them shall have power, when they may think it necessary, to hold courts martial, and the senior officer present shall administer all necessary oaths, and receive the fines, by the courts imposed and pay the same into the hands of the Judge Advocate of the regiment; and a record of the proceedings shall be kept, stating the name of each person on whom a fine has been assessed, and the same shall be returned to the Judge Advocate of the regiment, and be entered by him on his Journals; and execution may issue as in other cases; but no execution shall in any case issue for fines, and forfeitures until the expiration of twenty days after the sentence of any court martial stipulated by this act; provided nevertheless, that any such person or persons thinking themselves agrieved by any sentence of said company court martial shall have the right of appeal to the next battalion or regimental court martial; and if any person or persons, on whom a fine shall be assessed; shall pay the same to the Judge Advocate, or the commanding officer of the company to which he belongs within the time limited for stay of execution, he shall not be liable to pay any cost thereon, by any regimental, battalion or company court martial, as the case may be.

Sec. 28. *Be it enacted*, That there shall be a Judge advocate and provost martial appointed by the Governor, major general, or brigadier general, as the case may be, to the several courts hereafter ordered, the Judge advocate shall take, and keep safely, a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial, a fair copy of which, after being signed by the President shall be delivered to the Governor, major general or brigadier general, as the case may be, within twenty days after their adjournment, and prosecute for the state, the provost martial shall attend and execute the orders of the court. Officers to be appointed by Governor.

Sec. 29. *Be it enacted*, That courts martial shall be

Court martial to be ordered for officers for neglect of duty &c. ordered for the trial of all officers for neglect of duty, disobedience of orders, or disorderly and ungentlemanly behaviour; and it is hereby made the duty of all officers to cause to be arrested and brought to trial all subordinate officers under their commands, who may be guilty of a violation of this act,

General courts martial to be ordered by the Governor. *Sec. 30. Be it enacted,* That general courts martial shall be ordered by the Governor, when he may think it necessary, where a Major General shall preside if convenient, if not a Brigadier, and be composed of twelve additional members, two of whom at least shall be brigadiers and the others field officers.

Division courts martial. *Sec. 31. Be it enacted,* That Division courts martial shall be ordered by the Major General, when necessary, where a Brigadier General shall preside, and be composed of twelve additional members two of whom at least shall be colonels, and the others field officers.

Brigade courts martial. *Sec. 32. Be it enacted,* That brigade courts martial shall be ordered at the discretion of the Brigadier General, where a Colonel shall preside, and shall consist of twelve additional members, two of whom at least shall be field officers, and the others not under the grade of captain.

Regimental courts martial. *Sec. 33. Be it enacted,* That regimental courts martial shall be appointed at the discretion of the Colonel, where a major shall preside, and be composed of twelve additional members, two of whom shall be captains.

Court to proceed on majority of officers summoned being present. *Sec. 34. Be it enacted,* That in all courts martial whether General, Division, Brigade, or Regimental, when the full number of officers summoned shall fail to attend, the court shall proceed to the trial, provided, a majority of the officers summoned are present; the president or any member may be challenged on good cause shewn to the satisfaction of the court; the decision of any of the courts martial ordered under the authority of this act, shall be approved, or disapproved by the officer ordering the same, and in case the sentence is disapproved, he shall return the proceedings to the president of the court with his objections within twenty days, who shall again convene the court, and reconsider the same, and thereupon, if they adhere to their former opinion, the sentence shall stand confirmed, and the officer ordering said court, shall dissolve said court, and publish the sentence thereof, subject however to an appeal to the officer next in rank, and in case of a division court martial, to the Governor for their final affirmance, or reversal;

provided that the sentence of no court martial shall be reversed or set aside, for the want of any formality.

Sec. 35. *Be it enacted*, That in general courts martial none shall be tried below the grade of a general officer or the adjutant or quarter master general, in division courts martial none shall be tried below the grade of a field officer, or division staff, in a brigade court martial none shall be tried below the grade of a field officer, or brigade staff, or a captain on good cause shewn, in regimental courts martial, all officers below the grade of field officers shall be tried and regimental staff officers.

Officers to be tried by general courts martial.

Sec. 36. *Be it enacted*, That when either of the courts herein directed to be organized is convened, the president thereof shall administer to the Judge advocate thereof the following oath : you do solemnly swear or affirm, that you will truly and faithfully execute the office of Judge advocate to this court, so long as you remain in office, to the best of your ability, and according to the laws of this state, and of the United States, and that you will not, when secrecy is required, disclose or discover the sentence of said court, unless to the commanding officer, until he has approved, or disapproved thereof, nor will you disclose, or discover the sentence or opinion of any particular member of said court, unless required to give evidence in a court of justice, the Judge advocate shall then proceed to qualify the president and members of said court, by administering to them the following oath, you and each of you do swear or affirm that you will well and truly try, and determine according to law and evidence between the state of Tennessee and the officer to be tried, and you will not disclose the sentence of this court martial, when secrecy is required, until the same is made known by proper authority, nor will I disclose or discover the opinion of any particular member of this court unless required to give evidence thereof in a court of Justice. The proceedings of the court shall be correctly taken down by the Judge advocate until the trial is finished, when a complete record of the trial, and sentence shall be signed by the president and the court adjourned sine die and upon the disclosure of the sentence of any court martial, any person may according to the direction of this act, appeal therefrom by filing a written notice with the officer to whom the appeal is made, at any time before the expiration of twenty days, whose duty it shall be to order up before him the proceedings of

Oath.

Proceedings of court to be taken down by Judge Advocate.

such court for final decision, which shall be given within thirty days thereafter.

Complaint  
to whom to  
be made.

Sec. 37. *Be it enacted*, That when any person may have cause of complaint against any commissioned officer, he shall lodge with the Governor, Major General, Brigadier General, or commandant of a regiment, as the case may be, the charges certified in form, and make oath before some Justice of the peace that such charges are true to the best of their knowledge and belief, and thereupon an arrest, or inquiry shall be awarded. Within twenty days thereafter the court martial shall be ordered, and the officer arrested shall have at least fifteen days notice thereof, as well as a copy of the charges exhibited against him. If it should appear to the said court, when convened, that from the absence of witnesses or any other cause, a fair and impartial trial cannot be had, they may adjourn to some future day; provided the time shall not exceed three months.

Commandants of regiments to call courts martial.

Sec. 38. *Be it enacted*, That the commandants of regiments are hereby authorised and directed to call courts martial, or courts of enquiry, at any time, when they may think it necessary, to try persons failing to do their duty, or delinquents of any kind or persons failing to perform a tour of duty, when called on; or for the trial of any non commissioned officer, musician, or private, who may desert from the service; or to excuse any person disabled, or for other causes from doing militia duty during their disability.

Duty of Major generals

Sec. 39. *Be it enacted*, That it shall be the duty of each Major General, to receive from the Adjutant General copies of requisitions of men made by the Government on his division, and shall without delay make a detail on the Brigades in his division, agreeable to the returns made by the assistant adjutant general, and shall issue his orders to the brigadiers accordingly. Whenever the major general may chose, he may attend at any muster or review whatever, and give any order for the discipline of the troops, he may deem expedient.

Duty of Brigadier generals.

Sec. 40. *Be it enacted*, That it shall be the duty of the Brigadier General to receive from the Adjutant General or Major General copies of requisitions made on his brigade and shall make a detail on the regiments in his brigade agreeable to the returns made by the Adjutants of regiments, and give orders to the commandants of regiments accordingly.

Duty of commandants of regiments.

Sec. 41. *Be it enacted*, That commandants of regiments shall receive from the Brigadiers copies of requisitions made on their regiments, who shall make

requisitions made on their regiments, who shall make the detail on the several companies in his regiment, and issue orders to the several commandants of companies accordingly.

Sec. 42. *Be it enacted*, That it shall be the duty of the Major Generals, Brigadier Generals, and commandants of regiments, upon receiving notice of an invasion or insurrection, immediately to embody such a force as they may deem competent for the emergency, giving the earliest notice thereof to their next superior officer, and to the Governor.

Duty of major generals, brigadier generals & commandants of regiments.

Sec. 43. *Be it enacted*, That where marching orders are given, the captain or other officer may designate some place within the bounds of the regiment or regiments, from which the companies were detailed, where he may receive substitutes, in the place of those detailed for service, provided they are able bodied men, well armed, and such as the captain will approve of, and if approved of he shall receipt to the person furnishing such substitute, which shall be evidence to the officer from whose company such detail is made, that such person is entitled to a credit, which credit shall be entered in such company book; after such troops are discharged from service for the time the detachment has served and no longer, and if the substitute enlists in the service of the United States, the credit shall be given for the same, as if such detachment was detailed for service, and each and every one furnishing such substitute shall be bound to attend all the musters directed by this act; and if such substitute should be called on to perform a tour of duty during his substitution, the person for whom he is a substitute shall be bound to serve in his stead, and if any person who may furnish a substitute, should be called upon to serve in the room of such substitute, said substitute shall refund to said person the full amount, which he may have received for performing said substitution.

Manner of receiving substitutes.

Sec. 44. *Be it enacted*, That the requisition of the Governor on the militia of this state, shall be deemed evidence of an invasion or insurrection, or an invasion threatened or premeditated, and thereupon it shall be lawful for the proper officers to enrol such persons as are exempted from militia duty by this act, except in such cases.

Officers to enrol persons exempted from militia duty.

Sec. 45. *Be it enacted*, That the militia of this state, when called out in the service of the United States, shall not be bound to serve longer than six months from the time of their arrival at the place of rendezvous.

Militia to serve six months.

commissioned officers shall take rank according to their grades and the dates of their commissions, and when two or more officers of like rank shall have been commissioned on the same day, their rank in the brigade, or regiment shall be determined by lot, to be drawn before their commanding officer.

**Power of Governor.** Sec. 47. *Be it enacted,* That in case of actual invasion, or an invasion premeditated or threatened against this state or any part thereof, it shall and may be lawful for the Governor, or any officer by him directed, to order into actual service all, or such parts of the militia of this state, as he shall deem expedient, and to discharge such troops, as soon as he may judge it consistent with the safety of the state; provided always, that the requisition shall be made in the different divisions, brigades, regiments and companies in proportion to their numbers, who have not performed a tour of duty.

**Adjutant General to keep his office at seat of government.** Sec. 48. *Be it enacted,* That the Adjutant General shall keep his office at the seat of government, he shall keep a fair record of all orders and communications, he shall receive from the commander in chief of this state, and obey all orders from him relative to the duties of his office; he shall receive annual returns from the Assistant Adjutants General, from which, he shall make out a general return of the whole strength of the militia of this state, which he shall lay before the commander in chief of the state, on or before the fifteenth of October in each year, a duplicate of which return, he shall, without delay, forward to the Secretary of war of the United States.

**Quarter-master general to keep his office at seat of government.** Sec. 49. *Be it enacted,* That the Quarter Master General shall keep his office at the seat of government or such other place as the Governor may direct; he shall keep a record of all orders and communications; he shall from time to time receive from the commander in chief of the state, and obey all orders relative to the duties of his office; he shall collect and keep safely all arms, and military stores belonging to the state, which shall be subject to the orders of the Governor; he shall furnish blank printed forms to division-quarter-masters and others, while in service, which when made out, shall shew the quantum of arms, camp equipage, &c.

**Forfeiture.** Sec. 50. *Be it enacted,* That every non commissioned officer, musician, or private, who shall neglect or refuse to appear by himself or substitute at such time or place, as shall be appointed by his command;

ing officer, or appear and not armed as by this act directed, such person on conviction, shall forfeit and pay a sum not less than one hundred dollars, which sum shall be adjudged against him by a court martial, and shall be collected as heretofore directed, and paid into the public treasury; and if any commissioned officer shall be guilty in like manner he shall be subject to a penalty not less than one hundred dollars, be reduced to the ranks, and ordered immediately for service, and in case of refusal shall be liable to the same penalties, that other privates are by this act; each of which last mentioned penalties shall be assessed and paid over as heretofore directed by this act: provided always that each commissioned, non commissioned officer, musician and private shall be notified of such requisition, which must depend upon circumstances, for if the person be notified it shall be available in law.

*Sec. 51. Be it enacted,* That parents, guardians, and masters, shall be accountable for, and pay the fines of their children, wards, or servants, who are under twenty one years of age; provided that parents shall only be responsible, where their children live with them.

Who are to pay fines.

*Sec. 52. Be it enacted,* That all writs for election of general or field officers shall be directed to some sheriff within the bounds of the command for which such officer is to be elected, and such sheriff shall for the election of a major general advertise the time and place of holding such election in some paper printed in the division, at least forty days previous thereto, and when two or more candidates have an equal and highest number of votes the Governor shall determine by his vote who is elected.

Writs for election of field officers to be directed to Sheriff

*Sec. 53. Be it enacted,* That elections for brigadier generals shall be advertised at least forty days in the most public place in each county composing the brigade, and when two or more candidates have an equal and the highest number of votes the major general shall determine by his vote who is elected.

Elections for brigadier generals.

*Sec. 54. Be it enacted* That the elections for field officers shall be advertised at least thirty days in each battalion of the regiment for which such officer is to be elected, and when two or more candidates for field officers have an equal and the highest number of votes the brigadier general shall determine by his vote who is elected.

Election for field officers

*Sec. 55. Be it enacted,* That all elections for Captains, Lieutenants, and Ensigns, shall be held at their

Elections for captains

respective muster grounds in the manner following, the Justice of the peace to whom the writ of election is issued, whose duty it shall be to hold said election, after giving fifteen days notice, shall appoint and qualify three persons of good character as Judges; and when two or more candidates have an equal and highest number of votes, the commandant of the regiment shall determine by his vote who is elected; and that all elections for officers of light infantry, or riflemen, shall be held under the same rules, regulations and restrictions as other militia officers of the like grade.

Manner of  
electing Ma-  
jor and Bri-  
gadier gen-  
erals.

Sec. 56. *Be it enacted*, That for the election of major generals the Governor shall issue his writ, for the election of brigadier generals the major general shall issue his writ, for the election of field officers in the brigade the brigadier shall issue his writ, for the election of Captains, Lieutenants and Ensigns the commandant of the regiment shall issue his writ.

Duty of  
Sheriffs.

Sec. 57. *Be it enacted*, That it shall be the duty of the sheriffs to certify all elections by this act directed to be holden by them under their hands and seals, and transmit the same to the Governor, who is hereby directed to commission the person elected.

Justices of  
peace to cer-  
tify elections

Sec. 58. *Be it enacted*, That Justices of the peace shall certify all elections by them held to the commandants of regiments, on whose certificate the Governor shall commission the person elected.

No officer  
hereafter e-  
lected to re-  
sign in less  
than five  
years.

Sec. 59. *Be it enacted*, That any militia officer hereafter elected shall not resign his commission under five years from the date of his commission, unless permitted so to do by his commanding officer under the following fines, to wit, if a general or general staff officer one hundred dollars, if a field or regimental staff officer fifty dollars, if a platoon or subaltern officer thirty dollars.

Manner of  
resignations

Sec. 60. *Be it enacted*, That the resignations of all officers in the militia shall be as follows, all company and regimental staff shall resign to the commandants of regiments; regimental, field and brigade staff officers to the commandants of brigades; brigadier generals and division staff to the commandants of divisions, the adjutant, and quarter master general to the governor.

Persons e-  
lected to  
take oath.

Sec. 61. *Be it enacted*, That it shall be the duty of every person hereafter elected to the command of the militia of this state before he enters on the discharge of the duties of his command, to take and subscribe the following oath, which shall be entered on the back

of his commission; I do solemnly swear that I will support the constitution of the United States and of the state of Tennessee, and that I will faithfully discharge the duties of the militia of Tennessee, as prescribed by law, to the best of my abilities; provided nevertheless, that it may be lawful for any officer to act on a certificate from the inspectors of elections, countersigned by the returning officer, and it shall be the duty of said inspectors to give to the persons hereafter elected in the militia a certificate, whenever called on by any person entitled to the same.

Sec. 62. *Be it enacted*, That the courts martial for the determination of contested elections shall be ordered in the same manner as by this act for the trial of officers, and the party contesting the election of any officer shall immediately notify the commanding officer in writing of his intention to contest, who shall not make return of such election to the Governor until further orders; and the party so contesting shall within fifteen days make application to the proper officer furnishing him with a fair statement of his reasons in writing supported by oath or affirmation, upon the receipt of which, said officer shall order a court martial immediately as aforesaid, and if it shall appear to the satisfaction of said court that the officer whose election shall have been contested did receive a number of illegal votes, which, when deducted, would give a majority of legal votes to any other candidate, then said court shall report to the returning officer in favor of the candidate having the greatest number of legal votes, and the Governor shall commission him accordingly; and in all cases of illegal proceedings the election shall be declared void, and the court shall order the proper officer to issue a writ of election to fill the vacancy, giving legal notice of the time and place, and if the party contesting such election shall fail to establish his charge or cause of contest, in that case the court shall report to the returning officer in favor of the person whose election was contested, who shall be commissioned by the Governor; provided always that either party shall have the right of appeal from the decision of any court martial, in which they may think themselves aggrieved.

Sec. 63. *Be it enacted*, That if any commissioned officer shall absent himself from the duty of his command, for more than twelve months, unless employed in the duties of his office, it shall be considered a removal, and measures shall be taken, by the proper officer to fill such vacancy; and if any commissioned

Courts martial for contested elections how to be ordered.

Commissioned officers absent 12 months to be considered removed.

officer in the militia of this state shall labor under any incurable bodily infirmity, mental disability, or shall be guilty of habitual drunkenness, the proper officer on information thereof shall order a court of inquiry to consist of five members; if on testimony or personal observation, they shall report to the officer ordering such court, that such person does labor under mental disability, bodily infirmity, or shall be guilty of habitual drunkenness, so as to disqualify him for the faithful discharge of his duty; and if the officer ordering said court shall approve the said report, the office shall thereafter be considered vacant, and the proper officer shall proceed to have said vacancy filled as in other cases; provided always that the officer so tried shall have the right of appeal to the next superior officer for approval or disapproval of said report.

Persons having served in U. S. army to have credit for a tour of duty.

*Sec. 64. Be it enacted,* That persons who have served tours in the United States army as officers, and have since resigned, or been arranged out of service, and have returned to the ranks as privates, and all persons who have enlisted and been discharged after a service of six months or more, shall be entitled to a credit for a tour of duty, in the militia of this state.

What religious association shall be exempted from muster

*Sec. 65. Be it enacted,* That no person known to belong to any religious denomination, the tenets of which are opposed to the bearing of arms, shall be fined for not attending regimental, battalion, or private musters; but shall nevertheless be classed, drafted and ordered on duty, as other privates in all other cases, and in case of non-performance, be subject to the same penalties.

In what cases two regiments may be formed in a county.

*Sec. 66. Be it enacted,* That whenever a county or regiment contains sixteen militia companies, exclusive of volunteer companies, the colonel commanding said regiment shall have power, and he is hereby authorised to convene the officers composing such regiment at the regimental muster ground, first giving the officers twenty days notice of his or their intention, when and where they may divide said regiment, and make two distinct regiments; and hereafter no regiment shall be divided in forming regiments, unless each regiment shall have eight militia companies, exclusive of volunteer companies, which said companies shall be adjoining each other in such manner that no company belonging to either of the regiments they have been separated from, shall intervene between them, and the companies so detached, shall be considered as a regiment and are hereby authorised to elect

all officers necessary for their Regimental government; and it shall be the duty of the proper officer to issue writs accordingly; and all officers, who are in commission, who may be included within the bounds of any regiment so laid off, shall hold their rank and grade in the new regiment in the same manner, as if said regiment had not been formed; and when any adjoining company in any regiment may have a sufficient number of men to form a new lawful company, it may be lawful for the field officers of said Regiment to designate the bounds of such new company, and the commanding officer may issue his writ to fill such new company.

Sec. 67. *Be it enacted*, That the arms and equipments of any militiaman shall be exempt from execution at all times, and their persons from arrest or to be executed the service of civil process, while going to, continuing exempt from at, or returning from musters, or any courts martial, execution, stipulated by this act.

Sec. 68. *Be it enacted*, That it shall and may be lawful for a volunteer company of light infantry to be raised in each Regiment, where it has not already been done, and the commandants of Regiments are hereby authorised to appoint persons pro-tempore to raise such companies, which shall not consist of less than thirty-five nor more than sixty-four privates, one captain, one lieutenant and one ensign, three sergeants, three corporals and two musicians. Volunteer company may be raised in each regiment.

Sec. 69. *Be it enacted*, That the commissioned officers shall be armed as other officers of the same grade, and each non commissioned officer and private with a good musket, smoothbore or rifle, cartouch box or pouch and horn, and shall hold company musters four times in each year at such place as a majority of the officers shall direct in the same months directed for infantry company musters, and shall attend the Regimental muster to which they belong, and the battalion muster that may be designated by the field officers of the Regiment: provided, that rifle companies and light infantry companies shall not be compelled to attend the same battalion, and shall be subject during said musters, and at all other times to the orders of the commandant of the regiment and battalion. Arms of officers &c.

Sec. 70. *Be it enacted*, That it shall and may be lawful for a volunteer company of riflemen to be raised in each regiment where it has not been done, under the same rules, and after the same manner, and to be under the same restrictions, as companies of light infantry. The commissioned officers shall be armed as Volunteer Rifle company may be raised in each Regiment.

Other officers of the same grade, the non-commissioned officers and privates with good rifles, pouches and horns, and shall muster at such place as a majority of the commissioned officers shall direct, four times in each year, and shall attend battalion and regimental musters to which they belong, and be subject to the orders of the commandant during said musters, and shall at all other times be subject to the orders of the commandant of the regiment.

**Persons not to be enrolled.** Sec. 71. *Be it enacted,* That it shall not be lawful for any officer of the light infantry or rifle companies to enrol any non-commissioned officer, musician or private, who has been enrolled by any militia officer of this state, unless such person shall produce a certificate from the commandant of the company to which he belonged, certifying that his company will not be reduced below its proper number by such enrolment, and it shall be the duty of such person applying for such certificate to perform duty in the company to which he did belong until he shall produce the certificate of the captain of the company that he may wish to join, that such company is organized, and he is equipped according to law.

**Light infantry and riflemen to be distinguished by number of regiment.** Sec. 72. *Be it enacted,* That the companies of light infantry and riflemen herein directed to be raised, shall be distinguished by the number of the regiment to which they belong, and when details are made in the militia of this state, they shall be ordered into service by entire companies, which shall be determined by lot drawn by the Adjutant General in presence of the Governor.

**No person permitted to withdraw in less than five years.** Sec. 73. *Be it enacted,* That no person shall be permitted to withdraw from a company of light infantry or riflemen under five years without the consent of the commandant, or unless he shall remove out of the regiment to which said company belongs.

**Uniform of officers.** Sec. 74. *Be it enacted,* That the uniform of the General, Field and Staff officers of the militia of this state shall be the same as that of officers of the same grade in the army of the United States: captains and subaltern officers the same, or a deep blue hunting shirt and pantaloons with white trimmings, half boots or gaiters, a round black hat, black cockade and red plume, but neither captains nor subaltern officers shall be compelled to wear epaulets.

**Uniform of Light Infantry.** Sec. 75. *Be it enacted,* That the uniform of the light infantry shall be as follows, long blue hunting shirts and pantaloons fringed with red, round black hat and red plume, for commissioned officers a round black

hat and white plume, for non-commissioned officers and privates; provided nevertheless that the uniform of a company of light infantry of the 21st regiment, commanded by Captain Joel Parish, shall be the same as now in use by said company.

Sec. 76. *Be it enacted*, That the uniform of the rifle companies shall be as follows, long black hunting shirts and pantaloons fringed with yellow, round black hat and red plume, for commissioned officers, and a round black hat and white plume for non-commissioned officers and privates. Uniform of rifle companies.

Sec. 77. *Be it enacted*, That all commissions shall issue in the form heretofore in use in this state, and all officers are hereby directed to certify to the Governor the name and grade of each staff officer by them appointed, and he is hereby directed to commission said staff officers accordingly, and all staff officers are hereby required to take the same oath that is directed to be taken by militia officers in this state. Commissions to issue in forms as heretofore.

Sec. 78. *Be it enacted*, That all fines and forfeitures imposed by this act, shall be collected in the following manner, to wit: the Judge Advocates of divisions, brigades or regiments shall issue execution, which shall be directed to the sheriff of the county wherein the fine is assessed against any officer, non-commissioned officer, musician or private: execution by the Judge Advocate shall be to the following effect, Manner of collecting fines & forfeitures.

State of Tennessee, To the sheriff of \_\_\_\_\_ county: you are hereby commanded that of the goods and chattels of \_\_\_\_\_ you cause to be made the sum of \_\_\_\_\_ dollars, which sum the said \_\_\_\_\_ was fined in at a \_\_\_\_\_ Division, Brigade, Regimental, Battalion or Company Courts Martial (as the case may be) on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, which sum you are to render to me within sixty days after the receipt thereof: Given under my hand the day and date above written.

A. B. Judge Advocate, &c.

Sec. 79. *Be it enacted*, That it shall be the duty of the sheriff upon the receipt of such execution to proceed without delay to the collection of the sums therein specified, and said sheriff shall receive fifty cents for every execution by him collected, and also the Judge advocate shall receive twelve and one half cents for every execution by him issued, which fees shall be inserted in the execution, and collected from the delinquent, and to return all such executions to the Judge advocate issuing the same, and to render the money thereon collected by such execution; and it shall be Duty of the Sheriff.

the duty of the Judge advocate to enter on his journals the return of the sheriff on each and every execution, which he shall account for in his settlement with the officers of the division, brigade or regiment, and if the sheriff shall neglect or refuse to make return of said execution, so put into his hands by the Judge advocate for collection, or refuse to pay over the money by him collected within sixty days after the receipt of such execution, the said Judge advocate shall at the next court of pleas and quarter sessions proceed to recover the money due from said sheriff, his deputy or either of them by motion in said court, and the said court shall proceed to give judgment in the same manner that judgments are given in other cases upon motion against sheriffs, &c. after making due allowance for all insolvencies, that may happen, which shall be made appear to said court by the oath of said sheriff or by other legal testimony.

Sec. 80. *Be it enacted*, That all fines assessed under the provisions of this act on any general, field, or staff officer, shall be paid into the public treasury.

Sec. 81. *Be it enacted*, That there shall be one company of cavalry in each regiment, together with those Volunteer companies, which are established by law in this state; to be raised by voluntary enrolment; and shall consist of one captain, one lieutenant, one cornet, three sergeants, three corporals, one trumpeter, and not less than thirty nor more than sixty privates; and the cavalry of each brigade shall constitute one regiment, and be commanded by a Lieutenant colonel commandant and one first and second major, who shall be elected by the commissioned officers of their regiment, and the regimental courts martial of said cavalry shall be conducted under the same rules regulations and restrictions as infantry courts martial of like grade; and each company of cavalry shall, on three several days annually, hold three company musters, at the court house of their county, or such other place as the officers may agree on, which said company musters shall be held on the first Saturday in the months of April, August and November, and

shall hold courts martial on delinquents in the same manner as is directed for holding company courts martial of infantry; and it shall further be the duty of each company of cavalry to attend the infantry regimental musters of their county, and when at said musters, shall be under the direction and command of the commanding officer of the regiment.

Sec. 82. *Be it enacted*, That every officer and pri-

rate belonging to each troop of cavalry shall appear **Equipment** when on parade with a strong serviceable horse, at of cavalry, least fourteen hands and a half high, with a good saddle, bridle, holsters and one pistol at least, and horseman's sword, cap, a pair of shoe boots and spurs, with a cartouch box and cartridges in good order and dressed in the uniform of the regiment to which he belongs.

Sec. 83. *Be it enacted*, That the Captain or commanding officer of a company of cavalry, shall make out a fair statement of the strength and condition of his company and return the same to the commanding officer of the regiment on or before the first day of May annually, who shall make out a fair statement of the strength and condition of his regiment, and return the same to the Brigadier General of his brigade on or before the first day of June annually. **Captain make out return annually.**

Sec. 84. *Be it enacted*, That each officer required to make return by virtue of this act, and refusing or neglecting to make return as herein before directed, shall be fined, if a colonel or commanding officer of a regiment, in a sum not less than fifteen and not more than fifty dollars; if a captain or commanding officer of a company, in a sum not exceeding twenty dollars nor less than ten dollars, which fines shall be assessed on the delinquents at the discretion of a regimental court martial. **Fines for refusing or neglecting to comply with this act**

Sec. 85. *Be it enacted*, That all fines imposed by this act, when collected, shall be applied by the commanding officer of the regiment to the use of the regiment to which said delinquents belong. **Fines how to be appropriated**

Sec. 86. *Be it enacted*, That the captain of each company of cavalry, shall have power to receive any private into his company notwithstanding such private may not be equiped as is directed by this act, and give him a certificate to the captain of the company of infantry to which he belonged; and on his producing such certificate the captain of the infantry shall immediately strike him off his roll. **Power of captain of cavalry.**

Sec. 87. *Be it enacted*, That it shall and may be lawful for each and every regiment of cavalry in this state to choose the quality of their uniform for their officers and privates, and they shall be authorised to use domestic manufactures for the same: provided nevertheless that the coats and small cloaths of each officer and private of each regiment shall be a blue color. **Regiments of cavalry to choose quality of uniform.**

Sec. 88. *Be it enacted*, That a troop of cavalry, known by the name of the Knoxville Blues, shall be authorised to wear the uniform prescribed by said **Knoxville Blues to wear uni-**

same prescribed by said troop. troop, and muster with the 40th regiment of Infantry for Knox county at each regimental muster.

Sec. 89. *Be it enacted*, That each officer of cavalry shall be commissioned by the Governor of this state under the same rules and after the same manner, as officers of the infantry of like grade.

Sec. 90. *Be it enacted*, That each officer and private shall be allowed three months after their election and enrolment to equip themselves in the uniform of the regiment to which they belong, and on failure thereof or to attend company musters each commissioned officer shall forfeit and pay a sum not exceeding twenty nor less than eight dollars, and each non-commissioned officer or private shall forfeit and pay a sum not exceeding five dollars nor less than two dollars, to be recovered against the officers at the first regimental court martial, and against non-commissioned officers and privates at the first company court martial: provided that nothing in this act contained shall be so construed as to compel the officers non-commissioned officers and privates who have heretofore equipped themselves to procure the uniform prescribed by this act within the time herein before prescribed.

Each regiment of cavalry in this state, shall hold one regimental muster on the first Thursday in October annually, at such place as the commissioned officers of said regiment, or a majority of them may select; at which time and place it shall be the duty of each officer and private of said regiment to attend the regimental muster of said regiment; that the commissioned officers of each regiment shall on the day succeeding said regimental muster, hold a court martial for the trial of all delinquents both officers and privates. If any field officer fail to attend said regimental muster, armed and equipped as directed by this act, without a reasonable excuse, they shall each be fined in a sum not exceeding fifty dollars nor less than twenty dollars; if a captain or subaltern officer, he shall be fined in a sum not exceeding twenty dollars nor less than ten dollars; if a private, in a sum not exceeding ten dollars nor less than three dollars.

Sec. 92. *Be it enacted*, That no private in any company of cavalry shall be permitted to withdraw himself from said company under five years without the assent of a regimental court martial, and if any private is permitted to withdraw himself from any company, as by this act directed, the captain of the com-

No private to withdraw himself in less than five years.

pany of cavalry shall notify the captain of the infantry, in whose bounds such private may reside of the proceedings of said court martial, and that said private has been permitted to withdraw himself from the company of cavalry and it shall be the duty of the captain of infantry in whose bounds such private may reside, on receiving such information, immediately to enroll him on his company roster the first man on the first class destined for actual service.

Sec. 93. *Be it enacted*, That when any of the Cavalry of this state shall be called on for actual service, they shall be called out by companies, and be commanded by their own company officers.

Sec. 94. *Be it enacted*, That when it may be conceived, that the public good eminently requires it, the governor is hereby authorised to call out such parts of the Cavalry of this state, as he may think proper, and when so called out they shall be considered, ruled, and regulated as mounted gunmen for the time he may so order them.

Sec. 95. *Be it enacted*, That it shall be the duty of the field officers of the Cavalry of each regiment, when they may deem it necessary, to appoint suitable persons in each regiment of infantry within the bounds of their regiment of Cavalry, to raise a troop of Cavalry, where no troop has been previously raised; and it shall be the duty of the brigadier general, where there are no field officers, to issue writs of election in the same manner and under the same rules, regulating field officers of Cavalry.

Sec. 96. *Be it enacted* That it shall be the duty of the brigadier general, where there are no field officers, to appoint persons to raise such companies of Cavalry as field officers are authorised by this act.

Sec. 97. *Be it enacted*. That it shall be the duty of the public printer to the state to furnish fifteen hundred copies of the militia law of this state to the commandants of regiments as soon as practicable, who shall distribute the same; that each field officer or commandant of a company shall have one copy thereof, and that the forms hereto annexed, be printed in each copy thereof.

Sec. 98. *Be it enacted*; That it shall be the duty of the brigade inspector of each brigade to distribute all orders from the brigadier general or commanding officer of his brigade to the several commanding officers of regiments in his brigade; to keep an orderly book, and record all orders by him received, the proceedings of all brigade courts martial and all other official

communications, which he, or the commanding officer of his brigade may receive ; he shall also keep a record of all appointments and resignations in his brigade ; he shall keep a roster of the field and staff officers in his brigade with the dates of their appointments, from which all details for duty shall be made, and shall note the services performed by each officer, and shall perform all other duties which by law or custom appertain to his office.

**Duty of Adjutants of Regiments.** Sec. 99. *Be it enacted*, That it shall be the duty of Adjutants of Regiments to distribute all orders from the commanding officer of his regiment ; to attend the commanding officer of his regiment, when on military duty, and to see that all his orders are promptly executed, and to keep an orderly book in which all orders and other official communications, which may be received by him or the commanding officer of his regiment, and all orders which may be received by his commanding officer ; he shall keep a roster of the officers of his regiment, with the dates of their commissions from which all details for duty shall be made and note the services performed by each officer ; he shall do and perform all other duties, which appertain to his office of Regimental Adjutant.

**Duty of commandants of companies.** Sec. 100. *Be it enacted*, That it shall be the duty of each Captain or commanding officer of companies at least five days before his first muster in each year to deliver or cause to be delivered to each non-commissioned officer, musician or private or leave at his place of residence a written notice stating the time and places of holding company, battalion and regimental musters, also the days appointed by law for holding courts martial, which shall be considered legal notice to attend such musters and courts martial during that year.

**All laws heretofore in force repealed.** Sec. 101. *Be it enacted*, That all laws and parts of laws heretofore in force and use in this state for the government of the militia thereof, be and the same are hereby repealed, and that this act shall take effect and be in force from and after the first day of January next.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 17, 1819.

**AN ACT** to apportion the Representation of this state, in the state Legislature.

**Sec. 1.** *Be it enacted by the General Assembly of the* Senate to be composed of twenty members.  
*State of Tennessee,* That, until the next enumeration of the taxable inhabitants of this state, the senate shall be composed of twenty senators; the counties of Warren and Franklin shall compose one election district and elect one senator; the counties of White, Overton and Jackson shall compose one election district, and elect one senator; the county of Smith shall compose one election district, and elect one senator; the county of Wilson shall compose one election district, and elect one senator; the county of Rutherford shall compose one election district, and elect one senator; the county of Bedford shall compose one election district, and elect one senator; the counties of Lincoln and Giles shall compose one election district, and elect one senator; the county of Sumner shall compose one election district, and elect one senator; the counties of Davidson, Williamson, and Dixon shall compose one election district, and elect one senator; the county of Maury shall compose one election district, and elect one senator; the counties of Montgomery and Robertson shall compose one election district, and elect one senator; the counties of Hickman, Lawrence, Wayne and Harden shall compose one election district, and elect one senator; the counties of Stuart, Perry and Humphreys shall compose one election district, and elect one senator.

**Sec. 2.** *Be it enacted,* That the counties of Washington and Carter, shall compose one election district, and elect one senator; the counties of Sullivan and Hawkins shall compose one election district, and elect one senator; the counties of Greene and Jefferson shall compose one election district, and elect one senator; the counties of Cocke, Sevier, Blount, and Munroe, shall compose one election district, and elect one senator; the counties of Grainger, Claiborne and Campbell shall compose one election district, and elect one senator; the county of Knox shall compose one election district, and elect one senator; the counties of Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton and M'Minn shall compose one election district, and elect one senator.

**Sec. 3.** *Be it enacted,* That the number of representatives, hereafter to be elected to represent this state, shall be forty, and the counties of Franklin, House of representatives to be

composed of Warren, White, Overton, Jackson, Smith, Wilson, Rutherford, Lincoln, Giles, Maury, Sumner, Dixon, Robertson, and Montgomery shall elect one representative each; the counties of Williamson, Davidson, and Bedford shall elect two representatives each; the counties of Lawrence and Hickman shall elect one representative jointly; the counties of Wayne and Hardin shall elect one representative jointly; the counties of Humphreys and Perry shall elect one representative jointly; and the county of Stuart shall elect one representative.

**What counties shall elect representatives.** Sec. 4. *Be it enacted,* That the counties of Washington, and Carter shall elect one representative jointly; the counties of Sullivan, Hawkins, Greene, Jefferson, Cocke, Sevier, Grainger, Knox and Anderson, shall elect one representative each; the counties of Roane and Morgan shall elect one representative jointly; the counties of Bledsoe and Marion shall elect one representative jointly, the counties of Claiborne and Campbell shall elect one representative jointly; the counties of Blount and Monroe shall elect one representative jointly; the counties of Rhea, Hamilton and McMinn shall elect one representative jointly.

**Sheriff to meet and compare votes.** Sec. 5. *Be it enacted,* That in those districts which are composed of more than one county, the Sheriff, Coroner or returning officer, as the case may be, within each election district after having counted the votes, as is pointed out by law, shall meet on the Monday succeeding the election at the following places to compare the votes, the person having the greatest number of which shall be elected, and certified under the hands and seals of such returning officers; the returning officers for the district of Washington and Carter shall meet at Jonesboro; the returning officers for the district of Hawkins and Sullivan shall meet at the Boat-Yard in the county of Sullivan, at the house of William Messick; the returning officers for the counties of Greene and Jefferson shall meet at Warrensburg; the returning officers of the counties of Cocke, Sevier, Blount and Monroe shall meet at the house where Joseph Vance now lives, on Boyds creek in the county of Sevier; the returning officers of the senatorial district of the counties of Grainger, Claiborne and Campbell shall meet at Rutledge and Tazewell alternately, beginning at Rutledge; the returning officers of the counties of Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton and McMinn shall meet at Kingston; the re-

**Returning officers where to meet.**

turning officers of the representative district, composed of the counties of Wayne and Hardin shall meet at Wayne court house; the returning officers of the representative district composed of the counties of Humphreys and Perry shall meet at Reynoldsburg; the returning officers of the district composed of the counties of Warren and Franklin shall meet at Caldwell's bridge in the county of Franklin; the returning officers of the district composed of the counties of White, Overton and Jackson shall meet at Whiteplains, in the county of Overton; the returning officers of the district composed of the counties of Davidson, Williamson and Dixon shall meet alternately at Nashville and Franklin, beginning at Nashville; the returning officers of the district composed of the counties of Lincoln and Giles, shall meet at Fayetteville and Pulaski alternately, beginning at Fayetteville; the returning officers of the district composed of the counties of Montgomery and Robertson shall meet at Port Royal; the returning officers of the district composed of the counties of Hickman, Lawrence, Hardin and Wayne shall meet at Vernon; the returning officers of the district composed of the counties of Stuart, Perry and Humphreys meet at Reynoldsburg.

Sec. 5: *Be it enacted*, That the returning officers of the representative district composed of the counties of Claiborne and Campbell shall meet at Jacksborough and Tazewell alternately, beginning at Tazewell.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1839,

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CHAP. 70.

AN ACT to empower the county court of Giles to appoint Commissioners for the purposes therein named and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Giles <sup>county court</sup> to appoint county, be, and they are hereby authorised and re-commissioners. quired to appoint two fit persons as commissioners to settle with the commissioners heretofore appointed by law to lay off the town of Pulaski; and said commissioners thus appointed by said court, shall proceed without delay to settle with the aforesaid commission-

ers, appointed to lay off said town of Pulaski, and shall report to the county court of Giles, the progress of said commissioners in erecting the public buildings, collecting monies, &c.

Forfeiture

Sec. 2. *Be it enacted*, That if any of the aforesaid commissioners shall fail or refuse to settle or comply with the requisitions of this act, then and in that case, the commissioner or commissioners so failing or refusing to comply, shall forfeit and pay the sum of 4,000 dollars, to be sued for and recovered in the name of the chairman of the court of said county, and when collected to be paid by the sheriff into the hands of the county trustee for the benefit of said county of Giles.

county court  
to render  
judgment.

Sec. 3. *Be it enacted*, That it shall be the duty of said county court, on motion, to render judgment against said commissioners for whatever sum they may be found in arrear.

Former act  
declared to  
be in force.

Sec. 4. *Be it enacted*, That an act to provide for the election of President and Vice President, passed on the 11th day of October, 1815, be, and the same is hereby declared to be in full force and virtue, and wherever a new county or counties may have been created since the passing of said act, the same shall be considered as voting with the county from which was taken; except so far as may have been otherwise provided for by law.

Navigation  
of Elk river  
extended.

Sec. 5. *Be it enacted*, That the navigation of Elk river shall hereafter extend as high as Burton's mill and be declared a public highway under the same rules and laws as heretofore, as high as the mouth of the boiling fork, and Richland as high as Pulaski under the same rules and laws as aforesaid.

Who shall  
make pay-  
ment to the  
treasurer of  
E. Tenn.

Sec. 6. *Be it enacted*, That the citizens residing south of French Broad and Holston and west of Big Pigeon rivers shall be and they are hereby permitted to make payment to the Treasurer of East Tennessee, in any bank notes receivable by law for public taxes, in discharge of monies owing by them to the state, Colleges, Academies and schools.

Sheriffs  
where to  
meet to com-  
pare votes.

Sec. 7. *Be it enacted*, That the sheriffs or returning officers for the counties of Stuart, Perry and Humphreys composing a district to elect one Senator after having counted the votes, in such manner as is pointed out by law, shall meet on the Monday succeeding the election at Reynoldsburgh in the county of Humphreys to compare the votes, the person having the greatest number of which shall be elected and certified under their hands and seals.

And whereas an act has passed at the present session of the General Assembly entitled "an act regulating proceedings on Judgements and for other purposes," has made provisions for receiving bank notes as in said act specified on all Judgements hereafter to be obtained without making any provisions for Judgements already obtained; for remedy whereof:

Sec. 8. *Be it enacted*, That the clerks of the several courts in this state as well as the Justices of the peace are hereby directed not to issue any execution on any Judgement heretofore rendered unless the plaintiff or his attorney shall make the same endorsement as is required by the first section of the above recited act in regard to bank notes, and if any execution hath already issued no sheriff, coroner or constable shall proceed to collect the same unless the plaintiff or his attorney shall make the same endorsement on the back of the execution that bank notes will be taken as prescribed by the first section of the act aforesaid.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

Nov. 29, 1819.

CHAP. 71.

**AN ACT** to locate the Registers office of East Tennessee.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of the Land office for East Tennessee, shall hereafter keep his office in Knoxville, any law, usage or custom to the contrary notwithstanding.

**JAMES FENTRESS,**

Speaker of the House of Representatives.

**R. WEAKLEY,**

Speaker of the Senate.

November 17, 1819.

CHAP. 72.

**AN ACT** to establish a seventh Judicial Circuit, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the*

*State of Tennessee*, That there shall be laid off and established a Judicial Circuit in this state, which shall be called the seventh judicial circuit, and shall be composed of the counties of Roane, Rhea, Bledsoe, Marion, Hamilton, M'Minn and Monroe, and that there shall be elected by this Legislature, one Circuit Judge, whose duty it shall be to reside in said seventh circuit, and shall have the same powers, privileges and emoluments, with the other circuit Judges in this state.

Sec. 2. *Be it enacted*, That the circuit courts in said counties shall be held at the following times and places, to wit: to wit: the circuit courts of Roane, on the second Mondays of March and September, the circuit courts of Rhea on the third Mondays of March and September; the circuit courts of Bledsoe, on the fourth Mondays of March and September, the circuit courts of Marion on the first Mondays of April and October, the circuit courts of Hamilton at the place of holding courts in said county on the second Mondays of April and October; the circuit courts of M'Minn, at the place of holding courts in said county, on the third Mondays of April and October; the circuit courts of Monroe at the place of holding courts in said county on the first Mondays of May and November.

Sec. 3. *Be it enacted*, That all appeals and writs of error taken from the decision of the Judge from the counties of Roane, Rhea, Hamilton, M'Minn and Monroe, shall be returned to and be decided in the supreme court of errors and appeals held at Knoxville, and said court shall have jurisdiction original and appellate over all causes cognizable in said courts which originate in said counties, and all appeals and writs of error taken from the decision of the judge in the counties of Bledsoe and Marion, shall be returned to, and be decided in the supreme court of Errors and Appeals held at Sparta, and said court at Sparta, shall have jurisdiction original and appellate of all causes cognizable in said court, which originate in said counties of Bledsoe and Marion.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the first day of January next.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro temp.*

R. WEAKLEY,

Speaker of the Senate.

Nov. 22, 1819.

# INDEX.

## A.

|                                                                         |         |
|-------------------------------------------------------------------------|---------|
| <b>ABATEMENTS</b> —suits of feme sole not to abate<br>on their marriage | Page 41 |
| defendants death, not abate ejectments                                  | ib.     |
| <b>ACCOUNTS</b> —proven in one county to be evidence in another         | 48      |
| may be proven by defendants in set off                                  | ib.     |
| <b>ALLIENS</b> —for relief of                                           | 60      |
| <b>APPEALS</b> —from circuit to supreme court in<br>chancery allowed    | 56      |
| <i>Attorney General</i> —to prosecute obstruction of navigation         | 100     |

## B.

|                                                                                                                         |    |
|-------------------------------------------------------------------------------------------------------------------------|----|
| <b>BASTARDS</b> —10th section of act of N. Carolina, in<br>relation to repealed                                         | 38 |
| <b>BANKS</b> —Cashier of branches, may be served with<br>process, when the note sued on, is pay-<br>able at such branch | 25 |
| may be consolidated                                                                                                     | 46 |
| notes of, receivable for taxes in certain cases                                                                         | 67 |
| <b>BONDS</b> —lost may be sued on                                                                                       | 50 |

## C.

|                                                                        |     |
|------------------------------------------------------------------------|-----|
| <b>CLERKS</b> —to land commissioner, his duty                          | 19  |
| to record certificates issued                                          | 21  |
| to file the evidences of claims                                        | ib. |
| compensation to                                                        | 26  |
| — — — of county courts to furnish list of taxables<br>to commissioners | 63  |
| form of order of sale to be issued by                                  | 76  |
| to pay county monies to trustee                                        | 77  |
| penalty on, for not preserving revised laws                            | 87  |
| <b>CERTIFICATES</b> , for land—form of                                 | 21  |
| to be recorded                                                         | ib. |
| <i>Commissioners</i> —to adjudge Land claims                           | 19  |
| to set in Nashville                                                    | ib. |
| vacancies how filled                                                   | 20  |
| to issue duplicates of good warrants                                   | ib. |

# A

|                                                                                                                   |        |
|-------------------------------------------------------------------------------------------------------------------|--------|
| to endorse and record base warrants                                                                               | ib.    |
| to endorse on grants from which certificates<br>issue                                                             | 22     |
| compensation to                                                                                                   | 26     |
| to superintend drawing for priority of location                                                                   | 83     |
| to issue certificates of No's.                                                                                    | 84     |
| to issue warrant to General G. Rutherford                                                                         | 85     |
| vacancies in board of how filled                                                                                  | ib.    |
| <i>Commissioners</i> —of Humphreys county                                                                         | 28     |
| <i>Commissioners</i> —to superintend sale of Cherokee lands                                                       | 91     |
| their duty and powers                                                                                             | 92, 98 |
| compensation to                                                                                                   | 96     |
| — to adjust the disputed line with Kentucky                                                                       | 105    |
| their power and authority                                                                                         | 106    |
| <b>COUNTIES</b> —Humphreys limits better defined                                                                  | 28     |
| Hardin established                                                                                                | 33     |
| M'Minn established                                                                                                | 34     |
| Monroe established                                                                                                | 35     |
| to pay Jailors in certain cases                                                                                   | 60     |
| <i>County lines</i> —of Humphreys                                                                                 | 28     |
| of Rhea and Roane                                                                                                 | 29     |
| <b>CONGRESS</b> —assent of to be obtained to the satisfaction of<br>warrants issued by North Carolina since 1812, | 84     |
| <i>Courts County</i> —where to be held in Hardin                                                                  | 83     |
| do. in M'Minn                                                                                                     | 85     |
| do. in Monroe                                                                                                     | ib.    |
| clerks of prohibited from issuing executions,<br>without endorsement of plaintiff                                 | 44     |
| clerks of allowed time to issue orders for road                                                                   | 49     |
| to appoint committee to examine the state and<br>condition of the poor                                            | 56     |
| fees of clerks                                                                                                    | 55     |
| clerks of to furnish lists of taxable property<br>to commissioners                                                | 63     |
| <i>Courts Quorum</i> —vacancies in how filled                                                                     | 69     |
| <i>Courts Circuit</i> —clerks of prohibited from issuing executions<br>without plaintiffs endorsement             | 44     |
| when to be held in the seventh circuit                                                                            | 139    |
| to appoint Solicitor General pro tem                                                                              | 74     |
| <i>Courts of Chancery</i> —                                                                                       |        |
| proceedings of regulated                                                                                          | 56     |
| <i>Commissioners</i> —appointed by county courts, their duty                                                      | 63     |
| by call Trustee to settlement                                                                                     | 65     |

# D.

|                                                                                                                 |           |
|-----------------------------------------------------------------------------------------------------------------|-----------|
| <b>DEFTORS</b> —to the Banks, relief of                                                                         | 40        |
| <b>DEEDS</b> —time allowed for registration of<br>to be registered hereafter within twelve months<br>after date | 70<br>ib. |

### III DIVORCES—former laws in relation to amended

44

#### E.

**EJECTMENTS**—not to abate on death of defendants 41

**ELECTIONS**—separate established in Campbell 31

in White county ib.

in Davidson county ib.

in Sumner county ib.

in Franklin county ib.

in Lincoln county ib.

in Greene county ib. & 32

in Roane county 31

in Morgan county ib.

in Marion county 32

in Maury county ib.

in Giles county Sec. 12 & 22

in Lawrence county ib.

in Grainger county ib.

in Warren county ib.

in Overton county Sec. 16 & 19

in Hawkins county ib.

in Rhea county ib.

in Williamson county ib.

for militia officers in Hardin county 34

*Entries of Lands*—to be special 6

none to be made on unadjudicated warrants 17

to be made square or oblong 18

manner of making south of French Broad

and Holston 19

priority of to be drawn for 23

**EVIDENCE**—necessary to procure land warrants 20

what shall be for Armstrongs and other

land warrants 23 & 24

relative to overseer of roads 49

notaries protestations to be 52

#### F.

**FINES**—how receivable 27

**FLOUR**—to prevent frauds in manufacturing 98

#### G.

**GRANTS**—to issue on warrants heretofore divided 15

for land in the Indian territory ib.

to issue on consolidated warrants 46

lost before recorded, provided for 65

time allowed for registration of 70

# IV.

|                                                |     |
|------------------------------------------------|-----|
| to be registered in twelve months from date    | ib. |
| where registered in the wrong county, may      |     |
| be registered in the right one                 | 71  |
| for land below Brown's line made good          | 73  |
| form of, for land south of French Broad and H. | 82  |
| to issue for school lands                      | 104 |

|                                                            |     |
|------------------------------------------------------------|-----|
| <b>GOVERNOR</b> —to fill vacancies in the board of commis- |     |
| sioners for adjudging warrants                             | 20  |
| salary raised                                              | 59  |
| to proclaim assent of Congress to the act for              |     |
| the sale of land south of French Broad and                 |     |
| Holston                                                    | 83  |
| to run the Kentucky line, if the com-                      |     |
| missioners are unsuccessful                                | 85  |
| to fill vacancies in board of commissioners                | ib. |
| to proclaim the day of sale of Chickasaw lands             | 91  |
| to fill vacancies in commissioners of land sales           | 93  |
| to procure warrants and enter salt licks                   | 99  |

# H.

|                                    |    |
|------------------------------------|----|
| <i>Hawkers and Pedlars</i> —tax on | 61 |
|------------------------------------|----|

# I.

|                                                                   |     |
|-------------------------------------------------------------------|-----|
| <i>Illegitimate Children</i> —to inherit mother's property, where |     |
| there are no legitimates,                                         | 39. |

# J.

|                                                                  |     |
|------------------------------------------------------------------|-----|
| <b>JAILORS</b> —fees in certain cases to be paid by county       | 60  |
| fees of for the future                                           | 86  |
| <i>Justices of the Peace</i> —one of Hickman or Wayne may organ- |     |
| ize courts in Hardin                                             | 34  |
| of Blunt and Rhea ib. Monroe and                                 |     |
| M'Minn                                                           | 36  |
| prohibited from issuing executions with-                         |     |
| out plaintiffs endorsement thereon                               | 44  |
| to attend the muster ground of the cap-                          |     |
| tains company for which appointed                                | 58  |
| not to issue execution without endorse-                          |     |
| ment                                                             | 139 |

|                                                                   |     |
|-------------------------------------------------------------------|-----|
| <b>JUDGES</b> —of circuit courts duties regulated relative to in- |     |
| ter-change of ridings                                             | 47  |
| of superior court, salaries raised                                | 59  |
| of circuit court, ditto                                           | ib. |
| of supreme court to examine & subscribe for laws                  | 87  |
| to grant writs of possession in certain cases                     | 96  |

|                                                |    |
|------------------------------------------------|----|
| <b>LAND CLAIMS</b> —time for filing of limited | 20 |
|------------------------------------------------|----|

issued by North Carolina since 1812 provided for 84

|                                                            |          |
|------------------------------------------------------------|----------|
| <b>LANDS</b> —acquired from Chickasaws how to be sectioned | 8        |
| entries of to be made special,                             | 6        |
| old surveys of, to be run and marked                       | 9        |
| priority of entry of, to be drawn for                      | 13       |
| not identified, provided for                               | 14       |
| surveys of, how to be made                                 | 17       |
| — south French Broad and Holston to be sold                | 79       |
| how to be paid for                                         | 81       |
| — acquired from Cherokees, to be sold                      | 88       |
| how to be paid for                                         | 94       |
| none to be sold for less than \$2 per acre                 | ib. & 95 |
| <b>LAND OFFICES</b> , notice of opening of, to be given    | 8        |
| where to be kept                                           | 13       |
| <b>LAND WARRANTS</b> —to be entered by surveyors in a book | 12       |
| satisfaction of                                            | 14       |
| arising from interfering claims                            | 16       |
| heretofore located on school lands                         | ib.      |
| to be adjudged before entered                              | 17       |
| what shall be evidence for Armstrongs                      | 23       |
| for military                                               | ib.      |
| those issued by Secretary under act of 1801                | 24       |
| those adjudged by former commissioners                     | ib.      |
| subject to tax                                             | 25       |
| on file No. 29 provided for                                | 27       |
| division of prohibited                                     | 33       |
| how to be transferred to purchasers at                     |          |
| Sheriff sale                                               | 72       |
| issued by N. Carolina since 1812 provided for              | 84       |
| to issue to Gen. G. Rutherford                             | 85       |
| <b>LIMITATIONS</b> —Seven years possession                 | 53       |
| <b>LOCATIONS</b> —priority of to be drawn for              | 23       |
| manner of the drawing                                      | ib.      |

## M.

|                             |     |
|-----------------------------|-----|
| <b>MILLERS</b> —relief of   | 42  |
| to brand mark flour barrels | 98  |
| penalty on frauds           | ib. |

## MILITIA.

|                                        |          |
|----------------------------------------|----------|
| <b>ADJUTANT GENERAL</b> —his rank      | Page 110 |
| to keep his office at the seat of Gov. | 122      |
| Assistant Adjutant Generals—their rank | ib.      |
| Adjutants to be appointed              | ib.      |
| their duty                             | 116      |

# VI

|                                                     |         |
|-----------------------------------------------------|---------|
| further duty                                        | 415     |
| further duty of                                     | 138     |
| ARMS, &c.—exempt from execution                     | 127     |
| BATTALION MUSTERS—to be held in April               | 111     |
| BRIGADIER GENERALS—manner of electing               | 124     |
| duty of                                             | 133     |
| BRIGADE INSPECTOR—duty of                           | 133     |
| BRIGADES—what regiments compose the 1st—            | 106     |
| do.        do.        the 2d                        | ib.     |
| do.        do.        the 3d                        | 107     |
| do.        do.        the 7th                       | ib.     |
| do.        do.        the 4th                       | 108     |
| do.        do.        the 5th                       | ib.     |
| do.        do.        the 6th                       | ib.     |
| do.        do.        the 8th                       | 109     |
| do.        do.        the 9th                       | ib.     |
| do.        do.        the 10th                      | 110     |
| CAVALRY—one Company to each Regiment of Infantry    | 130     |
| equipment of                                        | 131     |
| returns of to be made                               | ib.     |
| uniform of                                          | ib.     |
| to be called out by companies                       | 135     |
| to hold regimental musters                          | 132     |
| Company Musters—four to be held in each year        | 110     |
| Courts Martial—times and place of holding           | 116     |
| powers of                                           | ib.     |
| officers of by whom to be appointed                 | 117     |
| by whom to be ordered                               | 118     |
| proceedings of to be taken down by Judge            | } 119   |
| Advocate                                            |         |
| for contested elections how to be ordered           | 125     |
| DIVISIONS—what brigades compose the 1st             | 107     |
| do.        do.        2d                            | 110     |
| Drum and Fife Majors—duty of                        | 115     |
| ELECTIONS—writs of to whom to be directed           | 123     |
| how to be advertised Sec. 53 54 55                  | ib.     |
| Ensigns—duty of                                     | 116     |
| Equipments—of officers and men                      | 111     |
| Executions—form of                                  | 129     |
| EXEMPTS—who are exempted from Militia duty          | 106—112 |
| to be enrolled in case of invasion and insurrection | 121     |
| what religion is to exempt from muster              | 126     |
| FINES—for what and how inflicted                    | 114     |
| on field officers to be paid to Treasurer           | 130     |
| for failing to make returns                         | 131     |
| how to be appropriated                              | ib.     |
| GOVERNOR—power of in case of invasion               | 122     |
| to call out cavalry                                 | 133     |
| JUDGE ADVOCATE—to be appointed                      | 110     |

|                                                        |                  |
|--------------------------------------------------------|------------------|
| his oath and duty                                      | 111              |
| to settle with field officers                          | 115              |
| <b>LIEUTENANTS</b> —duty of                            | 116              |
| <b>MAJOR GENERALS</b> —manner of electing              | 124              |
| <b>MILITIA</b> —who shall compose                      | 166              |
| musters of regiments                                   | 104, 5, 6, 7, 8  |
| of companies                                           | 110              |
| of battalion                                           | 111              |
| to serve six months                                    | 121              |
| penalty on, for failing to appear at rendezvous        | 122              |
| <b>MINORS</b> —who are liable for their fines          | 123              |
| <i>Non Commissioned Officers</i> to serve three years  | 112              |
| <b>OFFICERS</b> —by whom to be elected                 | 116              |
| to meet and be trained by Adjutant                     | 111              |
| duty of                                                | 114              |
| duty of, in case of invasion and insurrection          | 121              |
| to enrol exempts                                       | ib.              |
| to rank by dates of commissions                        | 122              |
| absent 12 months, considered as resigned               | 125              |
| time allowed to equip themselves                       | 132              |
| <b>PROVOST MARTIAL</b> —to be appointed                | 110              |
| <b>PUBLIC PRINTER</b> —duty of                         | 133              |
| <b>QUARTER MASTER GENERAL</b> —his rank                | 110              |
| to keep his office at seat of Government               | 122              |
| Assistant Quarter Master General—his rank              | ib.              |
| <b>REGIMENTS</b> —their numbers                        | 106              |
| times of musters                                       | 106, 7, 8, 9, 10 |
| commandants of, to appoint Judge                       | }                |
| advocate and provost martial                           |                  |
| their duty                                             | 112              |
| commandants of, may attend company musters             | 115              |
| in what cases, two may be formed in a county           | 126              |
| <b>RETURNS</b> —of company officers                    | 113              |
| <b>RELIGION</b> —to exempt from muster                 | 126              |
| <b>REQUISITIONS</b> —by whom to be attended to         | 120              |
| <b>RESIGNATIONS</b> —manner of allowing                | 124              |
| <b>SHERIFFS</b> —duty of                               | 124              |
| duty of                                                | 129              |
| Staff Officers—by whom appointed and rank              | 110              |
| their duty                                             | 116              |
| Substitutes—manner of receiving                        | 121              |
| <b>TOURS OF DUTY</b> —Persons having been in the U. S. |                  |
| service, to have credit for a tour                     | 126              |
| <b>UNIFORMS</b> —of officers                           | 128              |
| of light infantry                                      | ib.              |
| of rifle companies                                     | 129              |
| <b>VOLUNTEER COMPANIES</b> —                           |                  |
| of Riflemen—one to a regiment                          | 127              |
| manner of enrolling in                                 | 128              |

N.

|                                                            |     |
|------------------------------------------------------------|-----|
| <b>NAVIGATION</b> —additional managers appointed to super- |     |
| intend improvements                                        | 36  |
| more effectually to prevent obstructions of                | 100 |
| of Elk river extended                                      | 138 |
| <b>NOTES</b> —lost may be sued on                          | 50  |
| <i>Non est Factum</i> —to be plead on oath                 | 52  |
| ib. by endorsers, on notes and acceptors                   |     |
| of Bills, &c.                                              | 67  |
| <b>Notaries Public</b> —concerning seals of                | 72  |
| protestations of to be evidence                            | ib. |

O.

|                                                |     |
|------------------------------------------------|-----|
| <b>OCCEPANTS</b> —preference of entry given to | 9   |
| manner of making                               | 10  |
| penalty on for interfering with each other     | 11  |
| to be paid for improvements                    | ib. |
| more than one may enter on the same war-       |     |
| rant                                           | 12  |

P.

|                                                                       |    |
|-----------------------------------------------------------------------|----|
| <i>Plats and Certificates</i> —to lay nine months in surveyors office | 66 |
| <b>PRISONERS</b> —sent out of the county for safe keeping—            |    |
| how to be delivered up                                                | 87 |
| <b>PROBATES</b> —seal of the clerk to no longer required              | 37 |
| <i>Public Printer</i> —duty prescribed                                | 39 |
| <b>PURJURY</b> —Penalty on                                            | 52 |
| <b>POOR</b> —State and condition to be enquired into by commit-       |    |
| tee of county court                                                   | 56 |
| <b>PRESSED GUNS</b> —how to be paid for                               | 86 |
| <i>Porter Jas. P. H.</i> —relief of                                   | 66 |

R.

|                                                   |     |
|---------------------------------------------------|-----|
| <b>Registers of Land Office</b> —to issue grants  | 15  |
| of E. Tennessee to deposit books                  | 25  |
| prohibited from dividing warrants                 | 38  |
| to issue grants on two or more warrants           | 46  |
| to issue duplicates of lost grants                | 66  |
| of E. Tennessee to issue grant to J. P. H. Porter | ib. |
| ditto. office of located                          | 139 |
| of county—duty of                                 | 76  |
| of E. Tennessee duty of                           | 82  |
| to attend sale of lands                           | 93  |

|                                                       |     |
|-------------------------------------------------------|-----|
| fees of                                               | 91  |
| to issue grants for school lands                      | 104 |
| <i>Representatives and Senators</i> —apportionment of | 135 |
| REVISED LAWS—subscription to authorised               | 87  |
| REVENUE—law relating to amended                       | 75  |
| RESERVES—to be specified and laid down on plan        | 90  |
| Indian life estate to be laid down                    | 97  |
| RANGERS—their duty and responsibility                 | 64  |
| to return list of strays to trustee                   | 102 |
| penalty on for failure                                | 103 |
| ROADS—what shall be deemed public                     | 49  |
| to be measured and marked                             | 50  |
| <i>Rutherford Griffith</i> —relief of heirs of        | 85  |

## S.

|                                                          |       |
|----------------------------------------------------------|-------|
| <i>Salt Licks and Springs</i> —entry of prohibited       | 99    |
| <i>Surveyors General</i> —election of                    | 3     |
| their oath and duty                                      | 3-4   |
| to give bond and security                                | 4     |
| to section districts                                     | 5     |
| to connect surveys and map them                          | 6     |
| rules for instruction of                                 | 7     |
| to run and mark old surveys                              | 9     |
| penalty on for letting others enter occu-<br>pant claims | 11    |
| to enter land warrants in a book                         | 12-13 |
| to make surveys within three months                      | 17    |
| to examine plats and certificates                        | 18    |
| Penalty on failing in duty                               | 19    |
| fees of                                                  | 25    |
| to deliver plats and certificates in 9 months            | 66    |
| additional duty of                                       | 78    |
| Sec. 11                                                  | 78    |
| South of French Broad & Holston duty of                  | 81    |
| to make returns to Treasurer of E. Tenn.                 | 82    |
| fees of                                                  | 83    |
| to be appointed for Hiwassee districts                   | 88    |
| to specify reserves and school lands                     | 96    |
| to preserve field books                                  | 91    |
| allowance to for surveys and plats                       | ib.   |
| fees of                                                  | 97    |
| <i>Secretary of State</i> —fees of                       | 27    |
| salary raised                                            | 59    |
| SLAVES—laws for trial of amended                         | 59    |
| <i>Solicitorial Districts</i> —Eleventh erected          | 30    |
| <i>Solicitors General</i> —in case of absence of         | 74    |
| STATE LINE—between this state and Georgia confirmed      | 43    |
| with Kentucky to be run by direction of<br>the Governor  | 65    |

## X

|                                                       |     |
|-------------------------------------------------------|-----|
| Expence of how paid                                   | ib. |
| <b>SHERIFFS</b> —to receive bank notes for taxes      | 67  |
| for relief of                                         | 69  |
| to transfer warrants sold under execution             | 71  |
| form of report for unpaid taxes                       | 75  |
| <i>Surveyors Districts</i> —bounds of                 | 3—5 |
| <i>Senators and Representatives</i> —apportionment of | 132 |
| <i>Sectional Lines</i> —how to be marked              | 6   |
| how to be run and marked in the Hiwassee districts    | 89  |
| <b>SURVEYS</b> —how to be made                        | 17  |
| to be closed by horizontal lines                      | ib. |
| to be run squares or oblongs                          | 18  |
| how to be made in Hiwassee district                   | 89  |
| <b>SCHOOL LANDS</b> —how to be laid off               | 90  |
| to be surveyed and granted                            | 104 |
| <b>SHOWS</b> —tax on                                  | 78  |

## T.

|                                                              |     |
|--------------------------------------------------------------|-----|
| <b>TAXES</b> —on land warrants                               | 26  |
| on Hawkers and Pedlars                                       | 61  |
| collectors of, how to be settled with                        | 62  |
| state and county—payment provided for                        | 67  |
| on turnpike roads, laid                                      | 68  |
| on shows                                                     | 78  |
| twelve Justices authorised to lay                            | 77  |
| on wholesale, merchants and dealers                          | 102 |
| <i>Turnpike roads</i> —proprietors of, pay tax               | 68  |
| <b>TOBACCO</b> —law for classing of, repealed                | 42  |
| <b>TRUSTEES</b> —of counties, manner of settlement           | 63  |
| order in which they are to pay claims                        | 78  |
| to attend on first day of each court                         | 103 |
| <i>Treasurers</i> —of E. Tennessee to remit certain interest | 66  |
| to attend sale of land                                       | 92  |
| to receive bank notes in payment therefor                    | 93  |
| compensation to, for receiving money arising for lands       | 96  |

## U.

|                                              |    |
|----------------------------------------------|----|
| <b>USURY</b> —the better to restrain         | 57 |
| <i>Unicoy company</i> —privileges of secured | 67 |

## V.

|                                     |    |
|-------------------------------------|----|
| <b>VENUE</b> —change of—law amended | 68 |
|-------------------------------------|----|

## W.

|                                                 |     |
|-------------------------------------------------|-----|
| <i>Wholesale, Merchants and Dealers</i> —tax on | 102 |
|-------------------------------------------------|-----|